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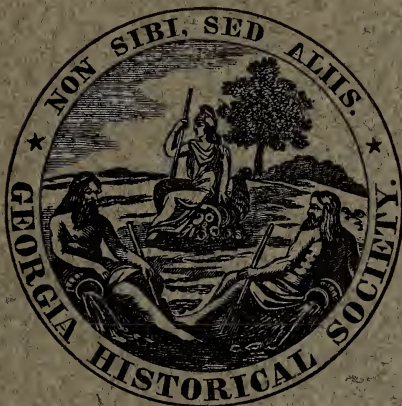
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THE
GEORGIA HISTORICAL
QUARTERLY



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SAVANNAH, GEORGIA

VOL. III No. 1 MARCH, 1919

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The Georgia Historical Quarterly

Volume III

MARCH, 1919

Number I

Columbus, Ga., and General Henry L. Benning

By HENRY R. GOETCHIUS

The following article was written for the Columbus *Evening Ledger*, but with the kind consent of the author, we are permitted to use it here, feeling assured that it will prove of interest to our readers on account of the historical facts contained in it.—*EDITOR*.

War telegrams, memorial days and patriotic women are not the only reminders of martial days "then and now." There are other reminders when war news is coming and our streets are full of soldiers and I want this afternoon to tell your readers whom I do not know something about the war notes sounding in Columbus before and in 1861.

Before doing this I may tell something about the origin of this old town and briefly the part she took in other wars.

Columbus is one of the most historic places in America. This is not generally known, but it is a fact. Long before 1827 and long before 1733, when Yamacraw Bluff was settled by General Oglethorpe, Columbus was right here on the Chattahoochee river at the foot of its Coweta falls, and was the most important Indian town in all this country between the Mississippi river and the Atlantic ocean. How long it had been so regarded by the Southern states no one knows, but Oglethorpe and his handful of followers found it that way in 1739, when white men, for the first time, so far as anybody knows, saw it. This was only six years after Oglethorpe landed at Savannah (Yamacraw Bluff). He found here, where Columbus now is, the famous and very important place known as Cowetah—afterwards Coweta Town—and changed in name

by the whites in a legislative act to Columbus. It is well known that all this territory was the country of the Upper and Lower Creeks, the great Indian nation known as the Muskhogees, or Creek Confederation. We have today, for our county and social club, this very name spelled Muscogee. Above the 34th line were the Cherokees, a powerful tribe in the upland and mountain country of Georgia and Tennessee. They cooperated with the Creeks in general political and war matters. The Creek Confederation was made up of smaller tribes. I could not now give all of them, but there were among them, the Hitchcittes (now a creek in Chattahoochee county); the Uchees (now a creek in Alabama); the Coosas (now the Coosa river) the Apalachee (now a bay just below us); the Seminoles in Florida; the Wetumpkes (now Wetumpka) and so on. But especially there was a tribe called the Cussetahs, from which comes our Cusseta in Chattahoochee county, and the Oscoochees from which tribe was an Indian town called Oscayoochee and now our Oswitchee (or Oswichee). It is nine miles southwest of Columbus. In Indian days this place was surrounded by and had in it magnificent woods and splendid trees. Just here Oglethorpe came in 1739 and met under these trees the Indian chiefs and settled a treaty which bound the Georgia colony and England her parent and the Great Creek Confederation. That treaty kept the Spaniards in Florida from getting the Indians on their side, and eventually saved to England and America all of the country south of the Potomac river and east of the Mississippi. So it was that in this section is this Coweta Town, existing long prior to and through the Revolutionary war and down to 1827. Let us remember that Georgia then was actually only a little strip of land between the Savannah and Oconee rivers extending to the headwaters. The English charter granted land west to the South seas, but Georgia as a colony, could not "occupy" as the Indians held the land. It took grants and treaties for the white man to get it. He got his first grant confirmed which he was occupying between the two above named rivers. Then by treaty and purchase he got the land between the Oconee

and the Ocmulgee rivers; then between that and the Flint river (Thronateeska in Indian) and lastly between the Flint and the Chattahoochee. This last was long after the Revolutionary war and long after the end of Georgia as a colony. As a state, Georgia agreed with the United States Government to let her part of the great war debt go at exchange for all her land west of the Chattahoochee. The government took it and made Alabama and Mississippi out of it, executing treaties with the Indians by which they gave up all their land in these states and went to Indian Territory. That is the reason all residents of these two states trace their land titles back to Indian grants. Georgia owned her land; cut it into forty 200 and 250 acre lots, and had big lottery schemes to start her titles. In laying off her lots she reserved a strip over here where Coweta Town stood and called it the Coweta Reserve, and cut it into ten and twenty acre lots. Coweta Town stood along its western edge and on the river being about half way between the 32d and 33d parallel of latitude. In 1827 the General Assembly authorized five commissioners to lay out not less than five hundred half-acre building lots at Coweta Town and give it a name. The commissioners did this and called it Columbus. In 1828 the General Assembly incorporated the town under this act and the people elected an intendant (mayor) and six commissioners (aldermen). Columbus then started out on its history. It would be intensely interesting to recount this history, social, religious, political, civil and military. I began, expecting to tell something about the last and especially in the sixties, as contrasted with what we see in and about here now. I find, however, that it has been necessary to write about the "founding of the city" (*ab urbe condita*).

I have written about the origin of Columbus. Let us read now a few lines about her military history. It is pertinent just at this time. We have a training camp and because of this present war our streets are filled with khaki boys. Everybody is doing what he can to help on our side. Columbus always did that.

A man recently said this about Columbus: "You have a fine set of people down here and I have found after half a century of observation that they always make good. If there are any black berries about, Columbus seems to claim she has the largest and most juicy; so with apples. She always has the largest and reddest. If a group of women are together, Columbus claims she has the handsomest and best in the lot; she always thinks she is just a little bit ahead of any community with which she may be contrasted." And said he, "I believe she has a right to say so." Think of this coming as it did from a life-long resident of Atlanta! He knew Columbus and her people, however, for he had visited here from the beginning of his long life.

So it has been with Columbus about her soldiers and her interest in the welfare of her section and her country.

When she was laid out in 1827, the town proper was bounded on the south and west by the river, on the north by what is now Sixteenth street, and on the east by what is now Sixth avenue. The land north to Seventeenth street and east to Tenth avenue was commons. It was made into lots and tracts in 1873. In 1887 Rose Hill was annexed and later East Highlands. Wynnton has always been a suburb and so has Girard and Phoenix City. Many people think Girard is older than Columbus. As a matter of fact it was not laid out until 1834. All lands across the river were Indian lands as before stated. Phoenix City, at first Browneville, was not known till after the Civil war. Now, including the Alabama suburb, Columbus has a population of about forty thousand. At first she was but an Indian trading town. In 1860 there were only about eight thousand people within her limits and not over two thousand in her suburbs, including Alabama.

In those early days of her existence all her male population could shoot and were prepared to do so. Just as now, the men felt that some organization in this line should be had, and so at the very first, what was called the "Frontier Guards" came into life. In 1831, however, they disbanded and in September of that year there was organized the "Columbus Volunteers"

with A. S. Rutherford, captain. Notwithstanding the treaties there were Indian troubles constantly arising, for the whole country was filled with Indians.

The Columbus Guards were organized with Dr. John A. Urquhart as captain, sometime prior to 1835, but in May of that year they received their commission and have been in existence to this day. They are now in France. They fought the Indians, when necessary, from the very first and were ready to protect Columbus, together with the help of all other males in that dreadful time. In 1836 matters with the Indians were so unsettled that Columbus also organized the Cadet Rifles and Muscogee Blues. This was the year of the war with the Seminole Indians in Florida. Many men volunteered from Columbus and fought in that war. The maternal grandfather of the writer was one of these and he carried a bullet to his death from a wound in that war. He gave a son to the Mexican war, three sons and two grandsons to the Civil war, and two of his great grandsons are fighting in France. Federal and state troops rendezvoused for these troubles in 1836. Forty-four Georgia companies were in Columbus at the call of General Winfield Scott. Among them from Columbus were the Columbus Guards, the Muscogee Drafted; the Muscogee Cadet Riflemen and the Muscogee Artillery.

These were strenuous and exciting days. The Indians had threatened to massacre the inhabitants here. All the male population and military men assembled in the Baptist Church yard. All the women were put within the brick wall fence of the old Oglethorpe building. For a long time they went there every night. The wall extended from First to Second avenue and along there and Twelfth street. First avenue was Oglethorpe street, Second was Jackson street and Twelfth was Randolph street. The last vestige of that wall came down a short while ago when the store of Brannon & Carson was located. Paddy Carr, a friendly half-breed Indian, saved the town the night of the intended massacre. You can doubtless read all about him in the Public Library. I cannot undertake to give the list and history of all the military companies of

those and subsequent days, which were in Columbus. There were numbers of them. In 1846 came the war with Mexico. The South took a large share in this important event which finally resulted in fixing the southwestern line for the United States, and ended many other difficulties. Columbus sent her crack company, the Columbus Guards, and many volunteers. A regiment of troops rendezvoused here under Col. Henry R. Jackson, marched to Chehaw in Alabama and entrained for Mexico. It was in this year the City Light Guards organized. Its first captain was a gallant young attorney, A. H. Cooper, who afterwards fell in the Civil war. His descendants are here today. This was a noble company and was a strong rival of the famous Columbus Guards. My earliest recollection, as a boy, was seeing these two companies marching up Broad street one summer afternoon. It was just before the Civil war. In those days there were no paved streets and no central parkway or transfer station. I can see them now. The Columbus Guards were on the west side. The City Light Guards were on the east side. The drum corps was in the center. Captain Paul V. Semmes commanded the Columbus Guards and Peyton H. Colquitt the City Lights. Both companies were in full dress. The Columbus Guards had on red cut-away coats with white fronts and white trousers (this for summer). The City Lights had on blue cut-away coats and buff fronts and blue trousers with buff stripe. There was an abundance of brass buttons and epaulets and shako hats and plumes. At the two bass drums were Peter De Votie and Lymus Jones, and at the fifes were Tom Rhodes and Tom Hicks and the kettle drums were handled by Peter Harris and Henry Harris. All these were colored except the last named. Henry Harris fought through the war with his company and is buried in Linnwood. I saw all this about where Kirven's store now stands. These companies marched in platoon formation and moved as one. They were magnificently drilled. When war broke out they went at once to the front. I saw them march out Randolph (Twelfth street) on the plank road then there and board the train just beyond where Golden's

Foundry now is. We had no Terminal station then. Few of them came back. Captain Semmes was made colonel of the Second Georgia Regiment and afterwards brigadier general of Semmes' brigade. He fell at Gettysburg and is buried in Linnwood. Captain Colquitt was made colonel of the 46th Georgia Regiment. He was commanding a brigade at Chaugauga when he fell. His commission as brigadier general had then been issued, but not received at his death. He, too, is buried in Linnwood. There was one other brave man from Columbus, who stood as a "Old Rock" in the Civil war, who was a brigade commander.

This was General Henry L. Benning, after whom the Columbus people ask that our camp be named. It may be well just here to say that General Benning, at the time he died in July, 1875, was one of the most widely known and highly esteemed men in Georgia. He was great as a lawyer, judge, soldier and patriot. As a member of the Supreme Court of Georgia, before the Civil War, he ranked with the highest. When war came in the sixties he was one of the first to go out. He raised his own regiment, the 17th, and was its colonel. He was soon promoted to the office of brigade commander, and was attached to Longstreet's bloody corps. I cannot here go into his military record. He was one of the bravest of the brave. He escaped death, but not wounds. He fought through every important battle of the Army of Northern Virginia, and came at last home to help rebuild the fallen fortunes of his country. One of the last signatures of the Secretary of War of the Confederacy was placed on the commission of Henry L. Benning as major general.

If the War Department sees proper to note the suggestion of the people of this historic and patriotic city and name their military camp after General Benning, such a step will be another recognition of what all of our people in Georgia know, and that is that Benning, both in war and peace, was one of our greatest men.

All the above were not the only men or companies who went out in those days. There were hundreds of other brave,

noble soldiers, many never to come back. Everything was war in the sixties and for years afterwards. Besides the two above companies, this city and vicinity in 1861 sent the following: The Southern Guards, Home Guards, Georgia Grays, Confederate States Sentinels, Independent Light Infantry, Muscogee Rifles, Jackson Avengers, Ivey Guards, Semmes Guards, Georgia Light Infantry, Terrell Artillery, Columbus Minute Men and Columbus Flying Artillery. There may have been others not now recalled.

The next real sign of war, after all these companies went forth with fife and drum and brass bands and uniforms and other full equipment, did not come in force till that fateful day in April, 1865. Then General James Wilson, with his ten thousand detached by Sherman and sent southwest to sweep through Alabama and Georgia, came upon us, destroyed the city and \$67,000,000 worth of cotton and other property and went his way to halt before he got to Macon because the war was ended. The pity of it all was that neither they nor our side knew when they destroyed Columbus that hostilities had ceased. Space forbids going into the military history of Columbus in reconstruction days. It would be a long story, and to all of us a sad story. Let it pass. Not till 1898, when we were at war with Spain did we have soldiers. Then we had a brigade and the streets, then as now, were full of "our men." Columbus sent her full complement to fight in this war. And now we have "our men" again. May they come, to be always in this patriotic old town! I have been asked by some (only a few, thank God), why revive such memories? My answer is because memory is the root of all the powers of man. Civilization is memory. Honor is memory. Religion is memory. Blot out memory and nothing is left us. It has been well said that all the beauty and profit of our future grow out of the past as flowers and fruit grow out of the ground. Only by looking back can we go forward.

The Capture of the U. S. Steamer "Water Witch" in Ossabaw Sound, Ga., June 2-3, 1864

By THE EDITOR

In the latter part of May, 1864, an expedition was planned and suggested to the Confederate authorities at the head of the forces defending the City of Savannah and the neighboring territory which, for boldness in its design and the completeness of its arrangement, insuring its success, has seldom been surpassed and not frequently equalled. While it is true that many like performances have been proposed, they have not often been adopted, because of a lack of faith in their success. The incident referred to was remarkable for the secrecy with which it was designed and carried out, as well as the absolute obedience to orders in their most minute detail on the part of every one in whom the confidence of the leader was imposed. The event to which we allude is the seizing of the United States blockading steamer "Water Witch" in Ossabaw Sound, Georgia, beginning late in the night of the second of June, 1864, and ending successfully in the early morning of the third. It is true that the expedition was successful in the accomplishment of the object aimed at by its leader, Lieutenant Commander Thomas P. Pelot, but it was at the cost of the life of that gallant and brave officer. Let us get at some facts in the life of the man and see how he obtained his experience in the duties of a naval officer.

Born in South Carolina, and appointed from that state to the old United States Navy, young Pelot resigned on the eleventh of January, 1861, to take part in the impending conflict between the states, choosing rather to serve his beloved Southland than to fight against her interests, even though the prospects for rapid promotion in the latter cause seemed certain. He was commissioned as first lieutenant in the Confederate States Navy March 26, 1861, and another commission as first lieutenant was given him, dated October 23, 1862, to rank from the second of that month.

On the nineteenth of May, 1862, Mr. Mallory, Secretary of the Navy of the Confederate States, issued an order to Flag Officer Josiah Tattnall, then commanding the naval defenses of Richmond and vicinity, to proceed to Savannah, Ga., and resume the command of the naval defenses of the State of Georgia, and on the sixteenth of September, of the same year, Commodore Tattnall, by order from the Secretary of the Navy, instructed Lieutenant-Commanding Thomas P. Pelot to take command of the Confederate steamer *Savannah*. In less than a month from the latter date, that is to say on October 9th, Lieutenant Pelot was ordered by the Commodore to "proceed with the steamer *Savannah*, under your command, to the anchorage between Forts Jackson and Cheves, and be ready at all times to man the naval battery (Fort Cheves) with the crew of the *Savannah*". Then, on the third of November, the lieutenant, while on duty off Fort Jackson, was served with the commodore's command to "sweep the place in the river where the fire rafts were placed with your small boats until you recover the anchors and chains which were used to moor those rafts." (Naval War Records, Series I, vol. 13, pp. 806, 807, 812, 815).

About six months after the last mentioned order, on the twenty-first of May, 1863, Lieutenant Pelot was in command of another steamer, as shown by an order from W. A. Webb, "Commanding afloat, on board C. S. S. *Atlanta*, Savannah river," to "proceed to city with the steamer *Oconee* and make all dispatch in repairing the smokestack. You will also render all assistance to Lieutenant (C. Lucian) Jones in fitting out the C. S. S. *Savannah*." Just a week after Commander Webb ordered Lieutenant Pelot "to place coal with dispatch on board the *Oconee* and on Saturday next you will proceed with the *Oconee* to the obstructions and report to me." (Naval War Records, series I, vol. 14, pp. 698-703.)

Nearly three weeks later, on the eighth of June, W. A. Webb, then "Commanding Naval Squadron on C. S. S. *Atlanta*, off Thunderbolt," reported to Secretary Mallory that Commodore Tattnall had shown him a dispatch from the Secretary

of the Navy, relating to the plan of using the steamer *Oconee* for important service to the government, and that he (Webb) had that day transferred her, with the two engineers, to his (Tattnall's) command. (Naval War Records, Series I, vol. 14, p. 709.)

The next day Commander Webb issued an order to Lieutenant Pelot, C. S. Navy, commanding the C. S. S. *Oconee*, off Thunderbolt, to proceed to Savannah and "Report to Flag Officer Tattnall, and inform him that you are ordered to turn over to him the steamer *Oconee* and the officers and crew, with the exception of yourself and Assistant Surgeon (Theodosius B.) Ford and Midshipman (Wm. D.) Goode, and the men and boys who remain after the crew of the *Savannah* are selected. After you have delivered the officers and crew of the steamer to Commodore Tattnall, you will return with the remainder and take charge of the steamer *Resolute* lying off Thunderbolt." (Naval War Records, Series I, vol. 14, pp. 709-710.)

We next find Lieutenant Pelot mentioned as commanding a vessel of peculiar construction, built at Savannah with the expectation that she would be a most formidable war machine, almost indestructible, and capable of doing great damage to war vessels of the enemy. The mistake in her construction is pointed out in the report which will now be quoted. On the thirtieth of June, 1863, Commodore William Wallace Hunter was flag officer at Savannah, and his flagship was the steamer *Savannah*, from which he that day reported to the Secretary of the Navy regarding the several vessels assigned to his command, from which this paragraph is taken: "The *Georgia*, ironclad floating battery (nine guns), Lieutenant-Commanding T. P. Pelot, contributes the chief naval defense at the obstructions below the city, and is moored near them. Her steam power is scarcely adequate to propel her at the slowest rate. Her battery is in serviceable condition, and the crew well drilled at her battery, and are in good discipline." Two days after this Commodore Hunter, reporting to Secretary Mallory, mentioned the fact that Pelot was a young lieutenant, and suggested that he "may be more appropriately

placed elsewhere." (Naval War Records, Series I, vol. 14, pp. 714, 717.) His further work will now engage our attention.

In the closing days of the month of May, 1864, it was whispered among a circle of officers and men, to a certain degree in touch with the heads of the army and navy on duty in Savannah, that preparations were in progress looking to an attack by night, in the near future, on the vessels composing the blockading squadron on the coast. In this small number of persons not actually of the consulting body were a few members of the Signal Corps who, by reason of the knowledge gained through the transmission at their hands of telegrams, both by flag signals and by telegraph, had information which they were forbidden to mention. Among them was the present writer, who just then was one of the two telegraph operators, from the Signal Corps, on duty at the headquarters of General Lafayette McLaws, in Oglethorpe Barracks, where the DeSoto hotel now stands. The other operator was Mr. Henry M. Stoddard. It was pretty well fixed in the minds of those who could in any way communicate with each other on the subject, that the time for action on the part of those selected for the service was actually at hand on the last day of the month, and the feeling of anxiety was intense. Who suggested the plan is not known; but it is quite positive that Lieut. Pelot was, from the first, designated as the leader of the attacking party. At that time Commodore William Wallace Hunter had assumed command of the small navy of the Confederacy in the vicinity of Savannah, and he organized the expedition, placing Lieutenant Joseph Price second in charge under Pelot. There were seven boats, manned by fifteen officers and one hundred and seventeen men.

At that period the Confederate iron-clad *Georgia* was moored in the river near Fort Jackson. She was a vessel built with money contributed by the ladies of Savannah, intended as a ram, and covered with railroad iron. Her builder was Henry F. Willink, Jr., an experienced ship-builder of Savannah, and she was a formidable engine of war in the form of a stationary battery; but unfortunately, as already shown,

she was so heavy that the engines placed in her could not give her the power to move through the water except at a very slow rate. Because of the manner through which she was constructed she was at first known as "The Ladies' Gunboat", but her name was changed to *Georgia*. The point from which the expedition was to start was the mooring of the *Georgia*, and the time of starting the afternoon of the 31st of May. The boats were towed to the Isle of Hope battery, whence they rowed to the battery at Beaulieu, where they remained that night.

It was probably not known at the beginning just which one of the vessels composing the blockading squadron would be attacked, but scouts sent out reported that one of them was at anchor in Little Ogeechee river, close under Racoon Key, and she was selected for the fight. She proved to be the *Water Witch*. Before we proceed with an account of the attack, let us learn something of the history of this boat.

The date of her building is not known to this writer, and the first time of any service she performed, so far as he can ascertain, was, according to J. Thomas Scharf, in his "History of the Confederate States Navy", page 645, where he mentions her as a fine side-wheel steamer, a favorite ship of the navy, mounting four guns, adding that she was used in the Paraguay War of 1855. Scharf also makes note of the fact that the service of the *Water Witch* as a blockade runner was enhanced by her "speed and handiness". Commander A. T. Mahan, the writer of a small volume in a series of books on "The Navy in the Civil War", said volume bearing the title "The Gulf and Inland Waters", after mentioning the fact that the *Water Witch*, before her transfer to the Georgia coast, was stationed in the Mississippi district, described her as "A small side-wheel steamer of under four hundred tons, with three light guns, then commanded by Lieutenant Francis Winslow". In the "Naval War Records", series 1, vol. 17, pp. 14-16, we find reports showing that she was, from December 25 to 27, 1861, in service in Mobile Bay, when she was commanded by Lieutenant-Commanding A. K. Hughes; and the same volume, page

34, shows that on the last day of that month she was on duty still in the Mississippi Sound. Again, in the same volume, page 183, a report from Lieutenant Hughes, dated "at sea", March 6, 1862, addressed to Secretary of the Navy, Gideon Welles, stated that, with the *Water Witch* he had captured, on the 5th instant, off St. Andrew's Bay, the schooner *William Mallory*, as a prize. We find, in the same volume, page 200, a report from Flag-officer Wm. W. McKean, commanding Eastern Gulf Squadron, to Secretary Welles that he had dispatched the *Water Witch* to Philadelphia, "with instructions to Lieutenant-Commanding Hughes to report to the Secretary of the Navy immediately".

The next item, taken from volume 13, is a little more definite. On page 355 information is given that on the 3d of October, 1862, Commander Charles Steedman, then stationed in the St. John's river, reported to Rear Admiral DuPont that the *Water Witch* and two other boats had been sent up the river "to feel the batteries at St. John's Bluff, the enemy having been busily engaged several days on some work in and around the old battery". The report showed that "the enemy" promptly responded to the firing of the boats "with great accuracy as to the range"; and shortly after he "had the result hoisted", and the vessels returned out of the range of the enemy. More than three months afterward, January 24, 1863, Rear Admiral DuPont reported from Port Royal, South Carolina, to Secretary Welles that "The steamer *Water Witch* met with a serious accident whereby her upper cylinder head has been rendered useless". (Naval War Records, series 1, vol. 13, p. 535); then, on the 8th of February, Austin Pendergrast, who had been placed in command of the steamer, wrote from New York harbor to the Secretary of the Navy as follows: "In obedience to an order from Rear Admiral S. F. DuPont, I have the honor to report the arrival of the U. S. S. *Water Witch* at this port". (Same vol., p. 649.) It took some time to make the necessary repairs, and it was not until the 14th of June that Admiral DuPont, at Port Royal, informed the Secretary of the Navy, at Washington, of "the arrival here of the

U. S. S. *Water Witch*, Lieutenant-Commander A. Pendergrast”.

We now come to the point where the steam vessel whose name has so frequently been mentioned reached the locality of the scene to which the foregoing statements are but the introduction, and where her operations as an instrument of warfare ended with her capture and with disaster to her crew. A number of attacks had been made by the monitors and other vessels of the blockading fleet on Fort McAllister, Beaulieu Battery, and other points occupied by the Confederates; and it was decided at headquarters in Savannah that an attack should be made on the squadron, with the hope that at least one of the vessels could be taken, or destroyed, and the enemy thereby weakened in no inconsiderable degree. The plan suggested and agreed upon was to send a boat expedition down the Vernon river in the darkness of the night, the boats to be allowed to drift with the falling tide, so as to avoid the noise of oars in rowing as far as possible, and the men composing the attacking party were well chosen and thoroughly drilled as to any emergency that might arise. The name of the person from whom the proposition first came will in all probability remain a secret forever. The detail for the expedition was made by Commodore William Wallace Hunter, and the information concerning the boats and their crews has already been given. Scouts had reported that one of the vessels composing the blockaders, which proved to be the *Water Witch*, was usually anchored in a solitary position, and she was singled out for the attack.

Early in the morning of the 3d of June, the news began to spread throughout the City of Savannah that an expedition, planned by the Confederate Navy officials, had, during the night just closed, made a strong effort to capture one of the ships of war then blockading the Georgia coast; that the attack had been stoutly resisted; and that not only the boat containing the leader of the attacking party but all the others, save one, had been taken by the enemy with the loss of the life of our leader and others. The news came from the crew

of the escaped boat who believed all that they had reported. Sad countenances were to be seen everywhere, and no doubt of the truth of the report was felt by any one. But later in the day the people heard a different tale, and sad countenances gave way to expressions of joy, and words of congratulation were exchanged on all sides. As the truth became known all rejoiced over the gallant and successful conduct of that portion of the little band of Confederates who stood manfully at the post of duty, gaining a victory of which they had reason to be proud, little dreaming that a few had turned back in the belief that all had been lost. Mingled with the rejoicing, however, was a feeling of grief that some had met death in the hour of victory, and that the brave leader himself had paid with his useful life for the glory which he himself so nobly helped to win, but in the celebration of which he could take no part.

And here, with the reader's permission, the writer will change the form of the narrative from the third to the first person. I had been among the first to be detailed from the headquarters of the Signal Corps to the camp of instruction in telegraphy, and early learned to read messages by sound. I was then attached to the headquarters of General Lafayette McLaws, as before said, but that day I was off duty. I strolled into the office of the Corps, at the foot of Lincoln Street, on the Bay, to get some sort of supplies for my office and was conversing with some of my comrades, when, suddenly, the call for the Savannah office sounded from the Beaulieu station, coupled with the startling words "*Very Important*". We were all (several being present) much agitated, and the officer in charge, nodding to me, said "Take it down!" I did not hesitate, and, calling to a brother member to write, I received and called out to him the following:

"Beaulieu, June 3, 1864.

"To Flag Officer W. W. Hunter,
Savannah, Ga.

"At 8 o'clock p. m., the expedition got under way and formed two columns. Boats Nos. 1, 3, 5, and 7, composing

the port column, 2, 4, and 6, the starboard column; Lieut. Thomas P. Pelot, commanding, with Assistant Engineer Caldwell, C. S. N., and Moses Dallas (colored) pilot, led in boat 1; Lieut. Price, with Master's Mate Gray and Second Assistant Engineer Fabian, in No. 2; Midshipman Minor, with Master's Mate Freeman, in boat No. 3; Midshipman Trimble, in boat No. 4; Boatswain Seymour, with Master's Mate Barclay, in boat No. 5; Master's Mate H. Golder, with Assistant Surgeon Thomas, in boat No. 6; Master's Mate Rostler, with Assistant Surgeon Jones, in boat No. 7; and proceeded with muffled oars to the spot where we supposed the enemy's vessel to be. On arriving, we found that she had either shifted her anchorage or that we had been mistaken as to her position. After searching in vain till nearly daylight, Lieut. Pelot ordered Boatswain Seymour, with one man, to remain on Racoon Keys as scouts, and the expedition to return to camp at Beaulieu Battery.

"On the next day (June 2), at 9 o'clock p. m., we got under way and proceeded to Racoon Keys, where we took on board our scouts, who reported that one of the enemy's vessels was lying in Ossabaw Sound, about three miles from where we were. After waiting there until midnight we were ordered to get under way and pull cautiously. The night being dark and rainy we got close aboard of her without being discovered. On being hailed, Lieut. Pelot answered we were 'rebels' and gave the order to 'board her'. The vessel having steam up at the time, as soon as the alarm was given, commenced turning her wheels backwards and forwards rapidly, thus thwarting the earnest efforts of Boatswain Seymour and Master's Mate Rostler to get on board with the entire boat's crew.

"The port column, led by Lieut. Pelot, boarded on the port side; the starboard column, led by Lieut. Price, boarded on the starboard side. In coming alongside, the enemy's fire with small arms was quite severe; in fact it was during that time, and while the boarding netting, which was triced up, was being cut through, that the most of our loss in killed and wounded was sustained. After a sharp hand-to-hand fight of some ten

minutes, the ship was taken. Lieut. Pelot was the first to gain the deck, and while bravely fighting was shot and instantly killed. In his death the country has lost a brave and gallant officer, and society one of her highest ornaments.

"The command then devolved upon me, and I proceeded forthwith to extricate the vessel from the position she was then in to avoid recapture by the enemy. Our pilot having been killed before the boats reached the side of the ship, I sought for the enemy's pilot and found that he was too badly wounded to assist me, but finally procured one of the quartermasters, whom I compelled to pilot me to the upper end of Racoon Key, where, at the top of high water, the ship grounded. I then found it necessary to lighten her, which I did by throwing overboard some barrels of beef and pork, a few coils of hemp rigging, the remainder of the chain, which I had slipped as soon as we took the vessel, and lowering two of the guns in the boats. On getting ashore I immediately landed the killed, wounded and prisoners at Beaulieu Battery. At 4 o'clock p. m., having in the meantime obtained a pilot from the shore, I succeeded in getting off and anchored her at 7 o'clock p. m., under the guns of Beaulieu Battery above the obstructions when Lieut. W. W. Carnes, C. S. N., by your order, arrived on board and assumed command.

"In the darkness and confusion on board it was impossible for me to observe each and every man; but I will state, with pride, every one, officers and men, did their duty most gallantly. I would state, however, that I owe my life to E. D. Davis, ordinary seaman of the C. S. steamer *Savannah*, he having cut down every opponent when I was sorely pressed by them.

"Boatswain's Mate J. Perry, of the steamer *Sampson*, rendered me most valuable assistance in lightening the vessel and general duties on board. The former, although severely wounded, remained on deck as long as he could."

The report was signed by Lieutenant Joseph Price.

The night was dark and stormy, and while the conflict was raging flashes of lightning occasionally enabled the fighters to

determine how to act. Two of the officers of the *Water Witch*, Commander Pendergrast and Master Charles W. Buck, in their reports charged the officer of the deck, E. D. Parsons, with taking refuge below deck. It has been stated that the two commanders, Pelot and Pendergrast, came face to face and actually crossed swords. As seen by officer Price's report, the death of Pelot did not cause any confusion, or bring about any hitch in the plans previously mapped out, so completely were they prepared. The Federal reports commended the Confederates on the manner in which the affair was planned and carried out. The casualties on the Confederate side were: Lieut. Thomas P. Pelot, Gunner Pat Lotin, Seamen W. R. Jones, James Stapleton, —— Crosby and Pilot Moses Dallas. Wounded: Lieutenant Joseph Price, Midshipman Minor, Boat-swain —— Seymour, Surgeon's Steward —— Harley, and Seamen J. R. Rice, J. Barrett, A. McDonald, E. J. Murphy, A. Williams, T. King, and —— Champion. The Federals lost two killed and twelve were wounded.

A most interesting incident in connection with this matter is the part borne by the colored man, Moses Dallas. He was a pilot, skilled in his business, and held in the highest esteem by all who were connected with the little naval force stationed about Savannah. That he was reliable and well thought of is shown by the following extract from a letter written June 5, 1863, by Commander John K. Mitchell to officer W. A. Webb, in which, after authorizing the placing of Pilot James Fleetwood on the same footing as other pilots employed by Webb, he added: "Your action in increasing the pay of Moses Dallas, colored pilot, from \$80.00 to \$100.00 is hereby approved".

General Sam Jones, on the 4th of June, telegraphed from Charleston to General S. Cooper, at Richmond, "Night before last the U. S. gunboat *Water Witch*, of four guns, was captured, after a sharp fight, in Ossabaw Sound, by a naval party, organized by Commodore Hunter". (Official Records of the Union and Confederate Armies, series I, vol. 35, part I, p. 404.) In the second part of the volume just quoted, page 116,

will be found a letter from Brig. Gen. Jno. P. Hatch, at Hilton Head, June 7, to Asst. Adjt. Gen'l W. L. M. Burgen, Washington, containing this request: "Will you please call the attention of the General Commanding to the necessity of an increased naval force in Calibogue Sound, since the capture by the rebels of the *Water Witch*?" The appendix to the Annual Report of Secretary of the Navy Welles for 1864, dated December 5th, contains the reports of all the U. S. officials who were required to make them on this subject. Rear Admiral J. A. Dahlgren made two reports, Lieutenant-Commander Austin Pendergrast, of the *Water Witch*, two (one written from Savannah while he was a prisoner, by courtesy of the Confederate authorities), Acting Masters Lewis West and Chas. W. Buck, Lieutenant-Commander E. E. Stone, Acting Assistant Surgeon W. H. Pierson, and Volunteer Lieutenant Wm. W. Kennington, two. The first of these is so interesting as coming from the enemy's side that it is here given in full:

From the Official Records of the Union and Confederate Armies, Series I, Vol. XXXV, Part II, Pages 137-138.

Flag Steamer *Philadelphia*,
Off Morris Island, S. C., June 17, 1864.

Maj. Gen. J. G. Foster,
Commanding Department of the South:

General: My attention has been drawn to the inclosed article, purporting to have been written by a correspondent in Hilton Head. It is asserted therein that the only person who escaped from the *Water Witch* gives information that not a shot was fired in defense. Now, the fact is that the person alluded to makes no such statement, but just the reverse. He says that there was hard fighting for half an hour, and that he noticed the captain (Pendergrast) three times on the quarter-deck encouraging his men, who were fighting briskly. He also says that the rebels came in on all sides. It was also known that the Savannah papers admitted a loss of 7 men killed and

12 wounded. The same article is equally wide of the truth in stating that the *Water Witch* was 1,300 tons and carried three 100-pounders and three 12-pounders, and was one of the fleetest and most valuable vessels for blockade in the squadron. The *Water Witch* was a small steamer of 378 tons and carried only one 30-pounder and three 12 pounders, such as are used in boats. Her full crew only amounted to 82 men, and of this small number she was 14 men short when taken, which would not have been the case if the quota of men expected from the troops of this department had been supplied; whereas not a man was received until you took command, and now only 50 to this date, which will not begin to fill deficiencies. She was a convenient vessel on account of her draught, being less than 10 feet, but it is absurd to speak of her as a fast or valuable vessel. She was of moderate speed, probably not nine knots, and was only of account in comparison with other vessels that have no steam. Her trifling armament and number of men gave her little importance.

Whatever want of vigilance may have existed, all the information we have goes to show that it was redeemed by a sharp resistance against superior numbers. The official rebel report which has reached here states that the fighting was hard.

I hope that the writer of the notice may be called to account for these statements. They are untrue and unjust to the character of the commander, officers and crew of the *Water Witch*, who, being prisoners, are unable to say anything in their own behalf; coming, too, from persons within the military jurisdiction, they so far receive sanction as to endanger ill-feelings between the two services.

I have the honor to be, very respectfully, your obedient servant,

J. A. DAHLGREN, *Rear-Admiral*.

Comdg. South Atlantic Blockading Squadron.

It seems proper to state here that "the only person who escaped from the *Water Witch*", referred to in the foregoing, was a "contraband" named Peter McIntosh.

It is strange that Admiral Dahlgren, while, like all the other interested persons so sorely felt the loss of the little steamer, after her capture changed his estimate of her value and speed. Before her loss to the United States there seems to have been no doubt that she was a favorite because of her "speed and handiness". That her loss was considered a great misfortune may be gathered from the many references to her by all of the writers, but it is brought out with stronger emphasis in the following instructions contained in an order from Acting Rear Admiral S. P. Lee, June 23, 1864, to Lieutenant-Commander Babcock, regarding operations in the Pamunkey river: "Be vigilant at all times against surprise from the enemy's boats. The recent capture of the *Water Witch*, which had the usual boarding nettings up, impresses the necessity of having wire nettings and wire ridge ropes for them, as used in the Potomac Flotilla, and these you are authorized to require for your permanent vessels. Single vessels are very subject to assault". (Naval War Records, series I, vol. 10, p. 198.)

Commodore Daniel Ammen, in his book, "The Atlantic Coast" (page 149), forming the 2d volume of the series on "The Navy in the Civil War," thus writes of this incident:

"On June 3, 1864, the *Water Witch*, Commander Pendergrast, blockading in Ossabaw Sound, was boarded and captured, only one man (a "contraband") escaping. Seven cotton barges, carrying 150 men, approached the vessel, the night being dark and squally; they were, in fact, alongside almost as soon as discovered, and although boarding nettings were up, the vessel soon became a prize. The *Water Witch* lost 1 man killed, 13 wounded, and 2 missing. The Confederates lost their leader, Lieutenant Pelot of their navy, 8 or 10 killed, and 15 or 20 wounded".

We will now leave off any further accounts of the capture of the vessel. The reports are nearly all alike, with minor variations, none of them of sufficient importance to repeat. We have given the facts at hand in regard to the career of Lieutenant Pelot. It is proper, then, to close this article with extracts from writers who can furnish information in relation to the experience during his connection with the U. S. Navy of Commander Austin Pendergrast.

The *Water Witch* was commanded by Austin Pendergrast, who, at the time of her capture, as we have seen (as we learn from a book compiled by Lewis R. Hammersly, of the U. S. Marine Corps, and published by J. B. Lippincott & Co., of Philadelphia, in 1870, giving "The Records of Living Officers of the U. S. Navy and Marine Corps; with a History of Naval Operations During the Rebellion of 1861-5"), was appointed to the U. S. Naval Academy from Kentucky. Before entering, he was attached to razee *Independence*, of the Mediterranean squadron, then to the frigate *Columbia*, of the home squadron, and his term in the Academy began in 1854, and, as passed midshipman, he was transferred to the Coast Survey the same year. Promoted from time to time, he held a position on the frigate *Congress* at the time she was sunk by the Confederate ram *Merrimac*, taking command when, during the engagement, Lieut. Joseph Smith was killed. He was commissioned as lieutenant-commander July 16, 1862, and commanded the *Water Witch*, of the South Atlantic blockading squadron, from that time until she was captured by a party of Confederates, led by Lieut. Thomas P. Pelot, in Ossabaw Sound, on the night of June 2, 1864. The author from whom the facts just given are taken falsely states that the Confederate attacking party was "a large body of rebels".

As to the part taken by Lieutenant Pendergrast in the sinking of the frigate *Congress* by the Confederate ram *Merrimac*, referred to in the preceding paragraph, we give the following extracts from "Recollections of a Naval Officer" by Captain W. H. Parker, of the Confederate States Navy, who commanded the *Beaufort* at that time. Before quoting from

Parker, however, let us make this statement: After the death of Lieutenant Joseph Smith, of the *Congress*, and her colors were struck, Lieutenant Parker was ordered to the ship to receive her surrender, and of this incident President Jefferson Davis, in his "Rise and Fall of the Confederate Government", vol. II, page 198, says: "The flag of the ship and the sword of its then commander were delivered to Lieutenant Parker, by whom they were subsequently sent to the Navy Department at Richmond". The words of Parker now follow:

"At midnight the *Congress* blew up. According to the report of Lieutenant Pendergrast she had been on fire from the beginning of the action; and Medical Director Shippen, who from his station would be likely to know, says: 'We were on fire in the sick bay, in the main hold, and under the ward room near the after magazine. Some of these fires were extinguished, but the most dangerous one, that near the after magazine, was never extinguished, and was the cause of the explosion, which, during the following night, blew the ship to pieces' ". ("Recollections of a Naval Officer", p. 259.)

Again, we have this statement by Parker:

"Upon my reporting the facts in relation to Captain Smith and Lieutenant Pendergrast a question was raised as to whether they were not prisoners on parole. Questions of the kind were crudely treated by our Navy Department. The Secretary himself was ignorant of naval laws, customs and precedents; and his immediate advisers were in the same category. The older officers who had served in the war of 1812, and whose experience gave them a knowledge of such matters, were not consulted by him. Those about the Secretary were men who had not seen much service in war. It was held that Smith and Pendergrast had escaped, and should either deliver themselves up or refuse to serve until regularly exchanged, I, on the contrary, insisted that they were not bound to do so. They had been prisoners, it is true—so had every officer and man of the *Congress* been; but I left them, and after the *Beaufort* left the side of the *Congress* they had no opportunity of getting back to her and they escaped to the

shore as the others did. The officers and men of the Confederate man-of-war *Alabama* escaped, after her capture by the U. S. S. ship *Kearsarge*, under precisely the same circumstances—the enemy failed to take possession of them.

“Some time after, when Pendergrast was unfortunate enough to be captured in the *Water Witch*, a question was raised in Savannah, where he had been taken, as to his conduct in reference to the *Congress* affair. I immediately wrote to Commodore Tattnall, commanding the station, completely exonerating him from any unofficerlike or improper conduct on that occasion.

“I justified his action in every particular. Commodore Barron was a prisoner at the time, and if I had held Captain Smith could have been exchanged for him; but as I have said, I did not know it was Captain Smith; not expecting to see a senior officer to the lieutenant, who said he commanded the ship. No one regretted more than I did that the result could not have been different; but I should have permitted him to return to the *Congress*, under the circumstances, if he had combined in himself the entire Smith family”. (“Recollections of a Naval Officer”, pp. 269-270).

The *Water Witch* was, as Scharf says, “enrolled in the Confederate naval force,” but her loss to the enemy was one of those incidents which caused more than ordinary bitterness, and, for fear that she might at some time slip out and do some damage to her former owners, great care was taken to have a close watch set upon her, and she was never able to evade the vigilance of the blockaders, and she was consequently of no service to her captors. She was destroyed at the time Sherman took possession of Savannah. Pendergrast was tried by court-martial, found guilty of culpable inefficiency in the discharge of duty, in not taking necessary precautions to save the vessel from a surprise attack, and suffered the penalty recommended in his case by the court trying him.

Georgia Historical Society, Eightieth Annual Meeting

Savannah, Ga., February 18, 1919.

The eightieth annual meeting of Georgia Historical Society was held at Hodgson Hall this day at 8:30 p. m.

Mr. William W. Mackall, the president, presided, and Charles F. Groves, the secretary, acted as secretary of the meeting.

READING OF MINUTES.

The Minutes of the seventy-ninth annual meeting, held February 12, 1918, were read and confirmed.

THE PRESIDENT'S REPORT.

The president read his annual report.

REPORTS OF OFFICERS AND COMMITTEES.

Secretary-Treasurer—The report of the Secretary-Treasurer showing the condition of the finances, covering period for twelve months ended January 31, 1919, was read. He also submitted report showing the number of different classes of members, with comparison as to the number of members on the rolls of the society at the same time last year. As Treasurer of Telfair Trust Fund he read a report covering the financial operations of the Telfair Academy of Arts and Sciences during the past year. All of these reports were ordered filed.

Telfair Academy—Mr. Alexander R. Lawton, Chairman of the Managing Committee of Telfair Academy of Arts and Sciences, presented the annual report for the committee. It deals with attendance, acquisitions and exhibitions, finances, printing of new catalogues, and the death of Abraham L. Mongin, janitor for the Academy for 36 years. In respect to Mongin the society approved the recommendation of the commit-

tee that the society arrange to place at his grave a suitable headstone recording his faithful service. The report was ordered received and filed.

Finance Committee—The report of the Finance Committee was submitted by its chairman, Mr. J. Florance Minis. No action was taken on the recommendation that the society authorize the treasurer to withdraw from the savings account of the Permanent Fund a sufficient amount to liquidate current expenses in case collection of dues could not be made promptly. The report was ordered received.

Librarian—Mr. William Harden reported as librarian, so also did he render a report as chairman of the Committee on Printing and Publishing. These reports were ordered received.

Corresponding Secretary—As Corresponding Secretary Mr. Otis Ashmore submitted a report, which was ordered received.

Committee on Library—The Chairman of the Committee on Library, Mr. Otis Ashmore, submitted the annual report for the committee. It was ordered received.

APPLICATIONS FOR MEMBERSHIP.

Applications for membership were received from Mrs. Walter S. Wilson and Capt. F. D. Bloodworth, both of Savannah. By unanimous consent the rules were suspended and the secretary was authorized to cast the ballot for their election. This was done, and they were declared active members of the society.

DEATH OF SAMUEL A. GREEN, HONORARY MEMBER.

Mr. William Harden brought to the attention of the meeting the death of one of the honorary members of the society, Samuel A. Green, of Massachusetts, who died at Groton on December 5, 1918.

ELECTION OF FIVE CURATORS.

Mr. Mackall, the president, announced that the next order of business was the election of five curators to succeed Messrs. Otis Ashmore, W. W. DeRenne, H. R. Goetchius, DuPont Guerri and Alexander R. Lawton, whose terms would expire with this meeting; and in passing to this business Mr. Mackall stated to the meeting what he had previously made known to the curators, namely, that on account of his long and frequent absences from Savannah he would not permit his name to be considered for re-election as president, and that the question of selecting another president would be one of the duties of the Board of Curators.

The following named gentlemen were proposed as curators, voted upon, and declared unanimously elected curators of the society to serve until 1922:

MR. OTIS ASHMORE.
MR. W. W. DERENNE.
MR. H. R. GOETCHIUS.
MR. DUPONT GUERRY.
MR. ALEXANDER R. LAWTON,

Adjourned.

CHARLES F. GROVES, *Secretary*.

Telfair Academy of Arts and Sciences---Annual
Report of Managing Committee

Savannah, Ga., February 12, 1919.

To the Georgia Historical Society:

The Managing Committee of the Telfair Academy of Arts and Sciences submits its annual report for the year ending February 1st.

ATTENDANCE.

The attendance for the year has been 4,974 against 6,701 for the preceding year, and 12,529 for the year ended February

12, 1917. Attention was called in the last annual report to the fact that the 1916-17 attendance was abnormally large on account of the Melchers exhibit and other exhibits. The falling off in attendance as against last year is attributable to war conditions.

ACQUISITIONS AND EXHIBITS.

There were no acquisitions and no exhibits during the year. With the approval of the Board of Curators the Managing Committee carried out a policy of inactivity while the country was at war, making the Academy free of debt. and accumulating a surplus, with a view to the possibility at some time in the future of having on hand sufficient funds to acquire one or more objects of art of greater market value than those which have heretofore been within our reach. We are now without an expert art adviser. We have an excellent and creditable collection, and nothing can be lost by waiting until, from the standpoint of both finances and expert advice, we are able to add to it with intelligent discrimination.

There are now in this country many interesting exhibits of war pictures by both American and foreign artists. The committee is making inquiries and will lose no opportunity to bring one or more of them to the Academy if it be possible to do so.

Mrs. Thomas H. Bowles, of Baltimore, wishes to place in the Academy, at her own risk, the portrait of Mr. Bowles, by Gari Melchers. We are more than glad to receive it, and this valuable addition will soon be on our walls.

FINANCES.

During the year we finally paid in full, principal and interest, the \$1,500 loan made several years ago by the Georgia Historical Society, and the Academy is now free of debt. We purchased a \$1,000 Fourth Liberty Loan Bond. and at a cost

of \$842 War Savings Certificates having a maturity value of \$1,000.

| | |
|--|------------|
| Cash balance February 1, 1919----- | \$3,273.78 |
| Fourth Liberty Loan Bond----- | 1,000.00 |
| War Savings Certificates----- | 842.00 |
| <hr/> | |
| Total cash and available securities---- | 5,115.78 |
| Cash balance Feb. 1, 1918----- | 3,580.75 |
| <hr/> | |
| Increase ----- | 1,535.03 |
| Add decrease in liabilities----- | 1,500.00 |
| <hr/> | |
| Year's increase in net current assets--- | 3,035.03 |

The annual report of the Treasurer is submitted, and shows details.

In renewing the burglar and fire alarm service we were compelled to contract at an increased price. The annual cost from May 13, 1918, is \$180 per annum. The service is essential and is believed to be worth its price.

A FAITHFUL SERVANT.

It is appropriate that the committee should record the death on January 25, 1919, of Abraham L. Mongin, the negro janitor who had served the Academy for 36 years. He was conscientious, trustworthy, diligent and efficient, and it will be difficult to fill his place. The placing at his grave of a suitable headstone recording his faithful service is suggested for your consideration.

CATALOGUES.

The supply of catalogues is exhausted. A new edition of 1,500 catalogues similar to the last is now being printed at a cost of \$200.

Respectfully submitted for the committee,

(Signed)

A. R. LAWTON, *Chairman.*

Georgia Historical Society---Special Meeting of Board of Curators

Savannah, Ga., February 21, 1919.

Pursuant to action taken at the informal meeting of the Board of Curators on February 18th, a special meeting of the Board of Curators of Georgia Historical Society was held at Telfair Academy at 4:30 p. m. this day, for the purpose of electing officers.

Present: Mr. Otis Ashmore, Mr. T. M. Cunningham, Jr., Mr. Wymberley W. DeRenne, Mr. William W. Gordon, Mr. Alexander R. Lawton, Mr. Benjamin H. Levy, Mr. William W. Mackall, Mr. J. Florance Minis, Mr. William W. Williamson.

Absent: Dr. Thomas J. Charlton, Mr. Charles Ellis, Mr. Lawton B. Evans, Mr. H. R. Goetchius, Mr. Alexander C. King, Mr. DuPont Guerry.

Mr. Mackall took the chair and Charles F. Groves acted as secretary of the meeting.

Mr. Mackall announced that the object of the meeting was for the purpose of electing officers, and, vacating the chair, Mr. Ashmore was asked to preside, after which Mr. Mackall nominated Mr. Alexander R. Lawton for the presidency of the society. The nomination was seconded, and Mr. Lawton was unanimously elected President of Georgia Historical Society. The following officers were also elected to serve until the next annual meeting or until election of their successors:

| | |
|-------------------------|-----------------------|
| THOMAS J. CHARLTON----- | <i>Vice President</i> |
| OTIS ASHMORE----- | <i>Vice President</i> |
| ALEXANDER C. KING----- | <i>Vice President</i> |
| LAWTON B. EVANS----- | <i>Vice President</i> |

OTIS ASHMORE-----*Corresponding Secretary*
 CHARLES F. GROVES-----*Secretary and Treasurer*
 WILLIAM HARDEN-----*Librarian and Editor*

CHARLES F. GROVES,
Treasurer Telfair Trust Fund.

Mr. Lawton took the chair and presided over the meeting to its conclusion. He stated that he was deeply interested in the Society and would put forth his best efforts to accomplish results. In his remarks he touched upon the publication of the Quarterly, the condition of the finances and the matter of increasing the membership. To meet the demands made upon the treasury he stated that more active members should be put on the rolls, and that he recommended an addition to the standing committees of an active and large Committee on Membership. The meeting approved his recommendation. He said he would defer the appointment of this committee, as well as the standing committees, until he could give the subject further consideration.

NEW MEMBERS.

Announcement was made that applications for active membership had been received from Mr. and Mrs. M. F. Harden, 118 West Huntingdon street. It was moved that the rules be suspended and that the secretary be authorized to cast the vote for the election of Mr. and Mrs. Harden. This was done, and they were declared unanimously elected.

Adjourned.

(Signed) CHARLES F. GROVES, *Secretary.*

A true copy:

CHAS. F. GROVES, *Secretary.*

Queries and Answers

Navigator.—Please give me, if possible, the true date of the departure of the steamship *Savannah* from the port of Savannah, on her memorable trip across the Atlantic.

Until recently it was supposed that the *Savannah* left the city on the 20th of May, 1819; but the statement in her log-book, which has lately appeared in print, gives the 22d as the date. Notwithstanding this, there is still some doubt on this point, and we will here present the facts as recorded at the time, as well as certain other items of interest in this connection.

The *Columbian Museum* and *Savannah Daily Gazette*, of that period, carried the following items:

Wednesday, May 19.—*For Liverpool*.—The Steamship *Savannah*, Capt. Rodgers, will, without fail, proceed for Liverpool direct tomorrow. Passengers, if any offer, can be accommodated.

Thursday, May 20.—An advertisement announcing that the *Savannah* would sail that day.

Friday, May 21.—*Cleared*.—Steamship *Savannah*, Rodgers, St. Petersburg, Russia.

Monday, May 24.—The Steamship *Savannah* left this port Saturday morning last for St. Petersburg via Liverpool. (Saturday was the 22nd).

Tuesday, May 25.—*Memoranda*.

The Steamship *Savannah*, Rodgers, left Tybee yesterday morning (24th) for St. Petersburg. (The *Georgian* of the same date had the same news.)

Tuesday, June 15.—*Memoranda*.

The Steamship *Savannah*. Captain Brown, of the Schooner *Union*, who arrived at New York on the 4th inst., from Madeira, spoke on the 30th of May, in lat. 38:30, long. 68, the Steamship *Savannah* from this port bound to Liverpool with all sails set, and machinery in motion.

Saturday, June 19.—Steamship *Savannah*.—When this vessel sailed we expected to hear that she would afford some amusement on her passage. The Schooner *Peace and Plenty* arrived at New York, from St. Domingo, reports that on the 28th of May, in lat. 27:30, long. 70, saw a steam vessel which, when first seen, they supposed to be a ship on fire. They immediately bore away, to render relief, but soon found their mistake, as the vessel, by the help of her sails and machinery, was soon out of sight. —*N. Y. Com. Adv.*, 8th inst.

Thursday, July 1.—*Memoranda*.

"The Steamship *Savannah* was spoken by the ship *Canton*, arrived at New York, from Liverpool, on the 5th of June, in lat. 43:30, 12 days out.

The following are items taken from the *Savannah Georgian*:

Saturday, June 26—*Steamship again!* The ship *Plato*, Gardner, arrived at Baltimore on the 17th inst., 70 days from Bremen, "spoke and passed the elegant steamship *Savannah*" on the 2nd of June, lat. 42, long. 59, 8 days out from this port. She passed the *Plato* at the rate of 9 or 10 knots, and Capt. Rodgers informed him that she worked remarkably well. The *Plato* gave her three cheers, and she returned the compliment. Success to her.

From the *Georgian*, Thursday, Aug. 19, 1819:

Steamship *Savannah*.—The British brig *Higson* (arrived at Norfolk on the 8th inst.) brings the intelligence of the arrival of the Steamship *Savannah* at Kinsale in 21 days from this port. On inquiry we found that she did not leave Tybee until the evening of the 25th of May—so if she arrived at Kinsale on the 13th of June, her passage will only have been 17 instead of 21 days. See foreign news.

LATEST FROM EUROPE.

From correspondent of the *Char. City Gaz.*, Norfolk, Aug. 10.—I have received no shipping list by this arrival but an article of great importance in the *steam world*, (if I may use the expression) is contained in the Cork paper of the 19th

of June—it is no less than the arrival at Kinsale in 21 days of the Steamship *Savannah*, from *Savannah*, laden with cotton and passengers, she put in for supplies, would remain a day or two and then proceeded for Liverpool. Previous to her putting in she was chased by a cutter under the impression that she was on fire. No further particulars are stated.

From the *Georgian*, Tuesday, Aug. 31, 1819:

Extract of a letter from Liverpool to a gentleman in this city.—"The Steamship *Savannah* arrived a few days ago, to the great astonishment of the people of this city. She came up without sails and was much admired. John Bull cannot bear the idea that Jonathan should be the first to sail across the Atlantic, by the operation of steam—but it is now too evident to be denied. It will not be like some of our scientific discoveries, the origin of which have been denied to our people, and attempts made by even philosophers to rob us of our infant fame. The report is current here that this ship is commanded by a brother of Commodore Rodgers, and is intended as a present from our government to the Emperor Alexander; and from this wise suggestion the politicians of the day have augured much importance, as "secret of ambition" covered hostility to the commerce of Great Britain.

The Columbian Museum and Savannah Gazette of Wednesday, Dec. 1, 1819, mentioned the arrival of the *Savannah*, from St. Petersburg, the evening before, in 50 days, adding that she brought no news.

Editors' Notes

With this number the Quarterly enters upon its third year with bright prospects for a successful career. We have received many letters of congratulation from readers of the two preceding volumes, in which the writers have expressed the hope that the Society may keep up its publication for an

indefinite period. We ask, then, that our members and subscribers encourage us in our work with their hearty support and assistance.

The year 1919 marks the one hundredth anniversary of several events of peculiar interest and importance to the people of the State of Georgia. Among these is the completion of the Steamship *Savannah*, the first vessel propelled by steam to cross the Atlantic. That vessel reached the city of Savannah in the month of April, was visited by President Monroe, who was a guest of the city at the time she was preparing for her experimental voyage, and began the trip in the month of May.

While the *Savannah* was moored to her dock, the object of wonder and curiosity to many, the finishing touches were given to that much admired house of worship, the Independent Presbyterian Church, and it was solemnly dedicated by its beloved pastor and scholarly preacher of the Gospel, the Reverend Henry Kollock, D. D., on the 9th of May, the President of the United States, James Monroe, being present. Dr. Kollock was a remarkable man, and one of the most highly respected and honored citizens who ever made a home in Savannah; and any facts in connection with his life here must be acceptable to all Georgians. At the annual meeting of the Georgia Historical Society, in February, 1879, the desk which he used daily was presented to that Society by its then owner, General Henry C. Wayne, in a letter which contained some interesting facts. As the centennial of the building of the Church is to be celebrated in a manner of more than a local character, the letter accompanying the desk, still in the Society's possession, is here transcribed:

Savannah, Ga., February 15, 1879.

General Henry R. Jackson, President Georgia Historical Society, Savannah:

My Dear General:—I have had in my possession for more than forty years the rosewood brass bound writing desk

(portable) of the Rev. Henry Kollock, first pastor of the Independent Presbyterian Church, corner of South Broad and Bull Streets, in this city. Dr. Kollock procured this desk in England, when sent over there on business connected with the Presbyterian Church, and used it daily from that time to his death. It rested, as I remember, upon a table, open, in his small study, west of and opening from his dining-room, which was the northeast room of the dwelling on the west side of Wright square, corner of York street, opposite to the court house, and now occupied by the widow and family of the late Dr. P. M. Kollock. On this desk Dr. Kollock, as I was told by my grandmother, his widow (he was her second husband), wrote his sermons. After his death my grandmother kept the desk in daily use in her bedroom, until a short time before her death, when she had it put in order and gave it to me, with two quill pens, brown with ink and age, that Dr. Kollock had used, and which she lovingly cherished. The quills have disappeared in the course of time, but the desk is identically the same in all respects as used by Dr. Kollock, except the glass silver-topped ink and sand boxes, and the name-plate, which, having fallen out, my grandmother replaced with another on which she had my name cut.

Dr. Kollock's life and reputation being so identified with Savannah and its Independent Presbyterian Church, the most perfect specimen of ecclesiastical architecture (of Saxon order) in the city, I know of no more fitting custodian in the future of his writing desk, the inanimate companion of his studies and compositions, than our Historical Society, if it will accept the trust which I now tender to the society through you.

My personal reminiscences of Dr. Kollock were few, but were so vividly impressed upon my mind by their nature as to have always remained with me fresh and distinct. Of himself, I have a shadowy vision before me of a portly figure attired in the clerical black dress of that day, long cut-away coat and vest, knee breeches, silk stockings, shoes and silver buckles surmounted by a neat white neck-tie, and florid, kindly face,

But the circumstances of his death are as clear to my mind today as at the time of their occurrence.

Awaiting the completion of his new house, then being built at the corner of Bull and South Broad, now in the possession of Mrs. W. W. Gordon, my father occupied with Dr. Kollock the house on Wright square already mentioned.

My father and mother had the north bedroom, my sister sleeping in a crib by their bedside, while I slept in a crib by the bedside of my grandfather (step) and grandmother Kollock, in the south bedroom, over the withdrawing room.

One morning Dr. Kollock, having risen and seated himself by the south window to shave, I was looking at him, interested in the process, his hand fell, and my grandmother, shrieking, jumped out of bed and ran to him. My father and mother ran in. I saw my father take the razor from Dr. Kollock's hand and lift him up, when I was snatched up and carried out of the room. Next, I remember people coming in and going out of the house crying. Escaping from the dining-room, I toddled upstairs, and through my grandmother's room into the little room leading out of it, west, where I wondered to see my grandfather lying on a low pallet, very white, a plate of salt on his breast, silver pieces on his eyes and his hands folded over his body. I could not understand it, and, while calling to him, a lady came in with a young girl, fourteen or fifteen years of age. The lady was crying, and the young girl, as soon as she saw my grandfather, threw herself on her knees by his side in a burst of grief. I wondered the more, and with a new sensation at the mass of light brown hair that fell from the young girl's head below her waist, completely enveloping her person. Was she a fairy or a girl? My gaze was fixed upon her hair, when some one picked me up and carried me off. The two, I learned subsequently, when speaking of it in after years to my mother, were Mrs. S. and her daughter, Miss Mary S.

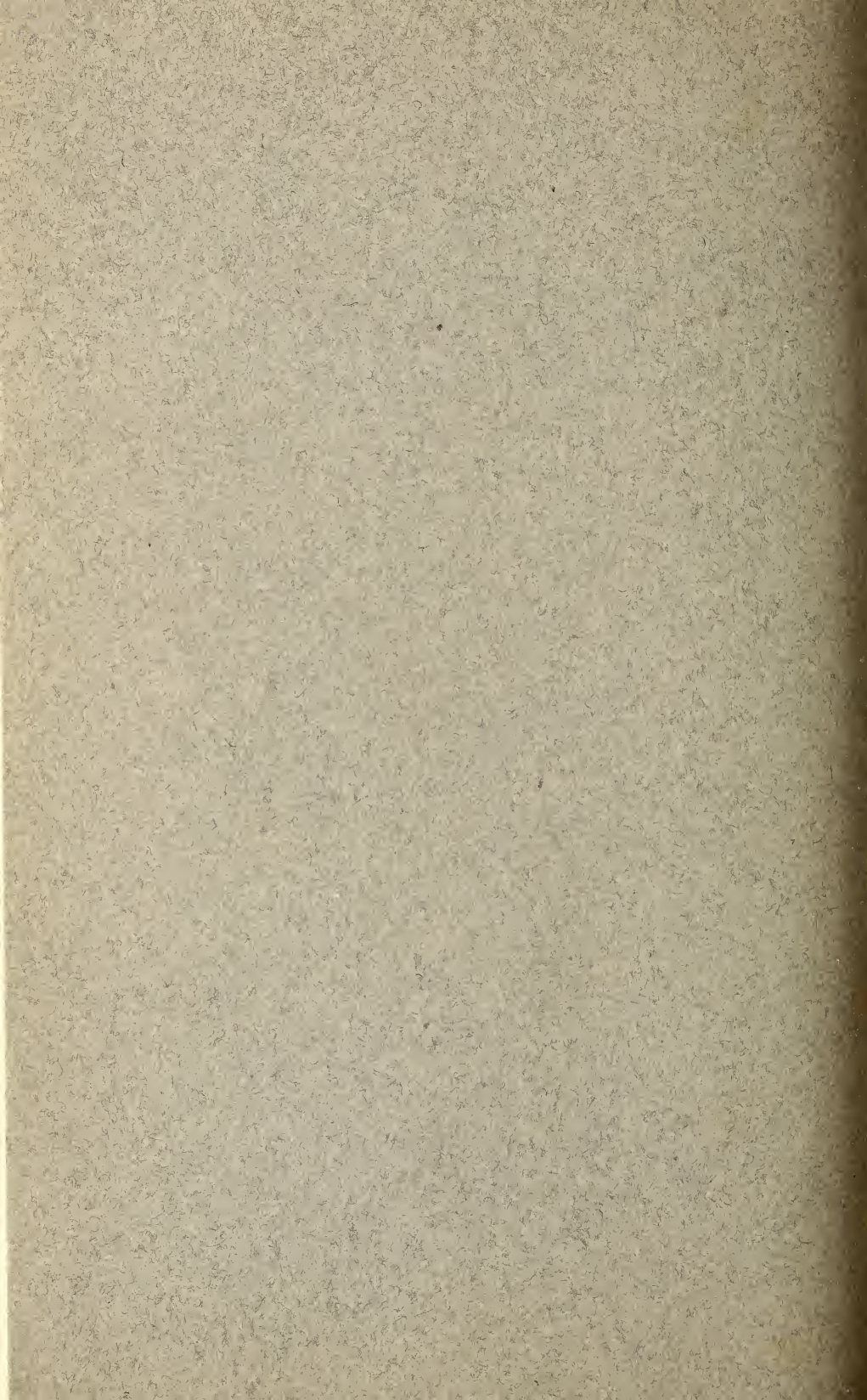
These are my only personal recollections of Dr. Kollock, but I have heard much of him from my mother, who was

devotedly attached to him, and was his companion in many of his studies.

She describes him as very methodical, preaching only one written sermon on Sundays, in the morning, and *ex tempore* in the afternoon, from prepared notes. On Monday morning, after breakfast, he went to the bank for small change, and devoted Monday and Tuesday to visiting the poor and the sick. On Wednesday and Thursday he went 'round among the wealthier members of his congregation. Friday and Saturday were devoted to writing his sermon and preparing his notes for the coming Sunday. His evenings were given to social intercourse with his friends at his own house, or to regular and accidental religious services and calls. Of course I know nothing of his preaching, but I am told by those who have heard him that to a natural gift of eloquence he added a highly cultivated thought and refined manner. He died young—a little over forty, if I recollect aright—and must have been a man of unusual attainments in that scholarly age to have won the devoted affection of his people and the high reputation that adorns his memory.

My excuse for this trespass upon your time will be found in the attachment to the memory of one who, though not my ancestor, I have been taught to love and reverence as one.

HENRY C. WAYNE.



MALCOLM BELL, Jr

SAVANNAH AND PULASKI

THE
GEORGIA HISTORICAL
QUARTERLY



PUBLISHED BY THE

GEORGIA HISTORICAL SOCIETY

SAVANNAH, GEORGIA

VOL. III No. 2

JUNE, 1919

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ONE DOLLAR A NUMBER

THREE DOLLARS A YEAR

The Georgia Historical Quarterly

Volume III

JUNE, 1919

Number II

An Address by Alexander R. Lawton*

Delivered in the City Hall, Savannah, Georgia
April 21, 1919

The "Savannah," the First Transatlantic Steamship;
The "John Randolph," America's First Iron Vessel;
Savannah's Promotion of Transportation

The year 1819 is conspicuous in Savannah's history. It marks not only her projection of the first steamship to cross the Atlantic, but two other events far in advance of their date. In 1819 was erected the Independent Presbyterian Church, totally destroyed by fire seventy years later, but now represented on the same site by its exact replica, and universally recognized as one of the most beautiful specimens of church architecture in America. In the closing days of the preceding year the Savannah Theatre was built and opened with a play which we are to reproduce in this centennial week. The original building though several times restored and improved (partly because of a disastrous fire), continues after one hundred years to serve the city as its principal theatre. While we cannot claim for it the same distinctive characteristics as those which mark the church, it is unique as the only American theatre which has been in use for a century. We are proud that Savannah built it in 1818, but not that we of 1919 are content with it! Our present taste for historical housing clearly needs artistic stimulation.

*Unveiling of two memorial tablets commemorating the Centenary of the voyage of the "SAVANNAH", the first steamship that crossed the Atlantic, and the launching of the "JOHN RANDOLPH", the first iron vessel in American waters.

The municipality of 1819 which did these things could not be called a city. A census taken in September 1818 "showed 2,564 white inhabitants, of whom 205 were strangers," with the incidental added information "and only twelve persons ill in the city". The federal census of 1820 gives the population as 7,523. More than half were colored, substantially all slaves. The white population could not have exceeded 3,500. Slaves being no part of the economic wealth of a community, and contributing practically nothing to economic progress, it now seems incomprehensible that this small town could either gather the resources or supply the energy to carry to a successful conclusion in one year such enterprises as this historic inauguration of a trans-Atlantic steam passage, the erection of this costly and commodious church, and the inauguration of a theatre which for many years must have been far too late for the population which it served.

It would be an inexcusable trespass on your time to give here full details of the "SAVANNAH" and her voyage. Mr. Woodcroft (an Englishman) in his work on steam navigation pronounced her a myth, and as late as January 16, 1858, the *London Illustrated Times* claimed the honor of the first trans-Atlantic steam passage for an English vessel and said that it was forced into the belief that the "SAVANNAH" was "merely an afterthought of the Americans"; but the facts are indisputably established. Not only do the English papers of the day give contemporary accounts of her, but the American Minister at London officially reported her arrival to the Secretary of State. She was built at Corlear's Hook, N. Y., by Crocker and Fickett; was of 380 tons burden; was launched Aug. 22, 1818, and thereafter converted into a steamer, with the adjustable paddlewheels of which so much has been said. She sailed from New York to Savannah in April 1819; made a voyage from Savannah to Charleston and return; and finally sailed from Savannah for Liverpool on May 22, 1819, leaving Tybee on May 24. The original log book preserved in the United States National Museum gives only the usual brief

sailor-like entries.* She burned wood, but carried and used a little coal. Because of her inability to store enough fuel, and apparently for no other cause, she used steam for but eighty hours of the twenty-nine days and eleven hours from Savannah to Liverpool, the longest continuous period being eighteen hours. But on her voyage from Liverpool to St. Petersburg, where replenishment of fuel was practicable, she used steam for 239 hours (or about ten days out of thirty-three) with two continuous periods of fifty-two hours each. So far as the records show, nothing occurred on the entire round trip to condemn the practicability of her construction with the adjustable paddlewheels, and with an ample supply of fuel she apparently could have made the entire voyage under steam.

Before she sailed from Savannah, President Monroe, who was in the city, took the round trip to Tybee on the "SAVANNAH", and, on the authority of an affidavit of Stevens Rogers, the sailing master, advised Mr. Scarbrough to eventually bring her to Washington "for he thought there was no doubt the Government would purchase her and employ her as a cruiser on the coast of Cuba". She did go to Washington, but the Government did not purchase her. The historic voyage was unprofitable. Her engines were removed and her owners sold her. She ran for awhile as a sailing packet between New York and Savannah, and finally was lost on the Long Island shore in November 1822.

It was nearly ten years before a second steamer crossed the Atlantic. In 1828 the steamer "CURACOA" was built by the Dutch for trade with the West Indies and made two voyages. She also proved an unprofitable venture and was taken out of the trade. The third steamer to cross the ocean was the "ROYAL WILLIAM" (British) in 1833.

*See the elaborate and interesting account "The Log of the Savannah" by J. E. Watkins, Curator of the Section of Transportation and Engineering, in the Report of the U. S. National Museum for year ending June 30, 1890 (Washington, 1891), pp. 611-639, with illustrations; also Thomas Gamble's articles in the Savannah Morning News, Dec. 10, 1916 and March 31, 1919; also Admiral G. H. Preble's Chronological History of the Origin and Development of Steam Navigation (Phila. 1883 and 1895). A cylinder of the "Savannah," and later also the original Log Book were exhibited at the Crystal Palace Exhibition, 1853-56 in New York, not London, as often stated.

The era of trans-Atlantic steam navigation may be said to have been fully inaugurated in the trans-Atlantic race in 1838 between two British ships, the "SIRIUS" and the "GREAT WESTERN", but Morrison in his *History of American Steam Navigation* tells us that there was no steamship "owned or run by an American Company that navigated the Atlantic ocean to a port in Europe until 1847", when the well-known Collins Line was established, beginning with the steamships "WASHINGTON" and "HERMAN". For ten years this line had the benefit of a mail-carrying contract with the United States Government* which was practically a subsidy, but when this was withdrawn in 1858 the effect was so disastrous that the line was discontinued.

William Scarbrough, the principal promoter of the "SAVANNAH", was no ordinary man. He was a descendant of Josiah Cotton, a college president and minister who in 1633 fled from Boston, England, to Massachusetts to avoid religious persecution, and is credited with having given the name of his native place to the great New England city. Scarbrough was born in South Carolina a few months before the date of the Declaration of Independence. After a liberal education at the University of Edinburgh he became a large planter, and a great merchant in the then small city which honors his memory today. The dignified and handsome residence which he erected here in 1804 still stands. How appropriate that this home of an educated gentleman, a leader in all that makes for the public good, should eventually find its place as part of the educational system of the city he loved so well, and particularly that it should be specially devoted to the education of the race which he knew only as slaves, and whose future as freeman he could never have foreseen.

It has been said that the losses incurred in the trans-Atlantic venture bankrupted him. But this does not seem probable, as he was reputed to be a man of large wealth. It is easy to find other causes. In 1820 Savannah was visited by a

*See the Remarks of Mr. T. Butler King, of Georgia, on Steam Mail Packet Service; delivered in the House of Representatives of the U. S., July 19, 1848 (Washington, 1848, p. 16).

disastrous yellow fever epidemic, a storm which did great damage, and a fire which destroyed practically all the business portion of the town. The damage was so great and the loss so serious that she received large and generous contributions from cities all over the United States to relieve her distress. Insurance was not so common in those days as it is now; and it would be more natural to attribute the financial fall of this pioneer merchant to these causes than to his venture in trans-Atlantic steam navigation.

Moses Rogers was one of those hardy, bold, resourceful New England mariners, who in the first half of the nineteenth century gave to America "The Heritage of Tyre", carried her mercantile marine to every port in the seven seas, and almost monopolized the ocean sail transportation of the world. Born in New London, Conn. during the American Revolution, he soon took to the sea. He was not only a skillful navigator, but had a technical knowledge of the marine engine of his day. He is alleged to have commanded the "CLERMONT", Fulton's first steamer on the Hudson river, but this cannot be verified. It is clearly established, however, that he did command the "PHOENIX", built in 1808 by the well-known Stevens family in Hoboken, which sailed from New York to Philadelphia, navigating the Atlantic from Sandy Hook to Cape May, and which was the first vessel to navigate the ocean by steam. It was probably this experience that gave to Moses Rogers the dream of trans-Atlantic steam navigation which he realized eleven years thereafter.

When the "SAVANNAH" returned to her home port in 1820, Moses Rogers, who was able to boast that during his historical voyage of many thousand miles "neither screw, bolt, or rope yarn parted," formed a connection with a company engaged in river navigation at Georgetown, South Carolina. He survived his return to America less than two years, and died at Georgetown at the age of forty-two.

Stevens Rogers, sailing master of the "SAVANNAH", a brother-in-law, and perhaps a blood relative of Moses Rogers, and ten years his junior, survived this historic voyage for

nearly fifty years, and his tombstone in the cemetery at New London, Conn., displays a sculpture of the "SAVANNAH" with her conspicuous paddlewheels, with a brief appropriate narrative of the most conspicuous event of his life.

Moses Rogers became a resident and citizen of Savannah as an incident of his occupation as a navigator. He first arrived here in December 1817 in command of the steamboat "CHARLESTON" regularly plying as a passenger and freight vessel between Charleston and Savannah. Thomas Gamble, who has dug from the files of old newspapers and other sources many interesting facts about the "SAVANNAH" and her master, notes that Joseph Habersham, an incorporator and a director of The Steamship Company, was a passenger on Captain Rogers' first voyage to Savannah; and he plausibly suggests that the first plan for the historic ship grew out of this contact of the mariner and navigator with the merchant and capitalist. The enterprise required a mariner who knew not only what a ship should be, but what her engines should be; a merchant to devise and handle the commercial features of the voyage; and capitalists to provide the necessary funds. To these qualifications of experience, knowledge and resources must be added in both cases a spirit of progress and the courage and boldness which are a necessary adjunct of all new enterprises; willingness of the one to risk his reputation and his life, of the other to risk his reputation and his fortune. To meet this want, Savannah was able to supply William Scarbrough and his associates and also Moses Rogers. That it was not only one Savannah merchant and capitalist, but many who promptly took this great risk which proved so unprofitable, excites not only our admiration for the enterprise and the boldness included in the small population, but our wonder that, given the will to venture, the capital could be found here. To William Scarbrough and his associates and to Moses Rogers are due full credit and honor for this bold enterprise. According them to the one take nothing from the other. Scarbrough was not a mariner; Rogers was neither a merchant nor a capitalist.

Moses Rogers moved to Savannah in 1817. Savannah then as now cordially invited and heartily welcomed additions to her population. From the moment a new citizen comes to live among us we know no difference between him and those whom he found there. In the heat of political campaigns I sometimes hear arguments which do not fully sustain this statement; but I hope it is true. Moses Rogers was of Savannah, and we claim not only the glory that was Scarbrough's, but the glory that was Rogers', and on this centennial occasion Savannah honors the memory of her two pioneer citizens that glorified her name in the farthest corners of the world.

A writer in a New York paper of April thirteenth claims the credit for New York because the ship was built at Corlear's Hook. He would transfer credit for the "CLERMONT" from Robert Fulton to the iron works that built the engines under his design and the ship yard that built the hull; for the clipper ship from John Willis Griffiths, her designer, to Smith & Dimon, owners of the yard which built and launched the "RAINBOW" on Griffiths' design; for the "BON HOMME RICHARD'S" brilliant victory gallant John Paul Jones to the French shipbuilder who constructed her.

An act to incorporate The Savannah Steamship Company was approved December 19, 1818. The incorporators were William Scarborough (*sic*), A. B. Fannin, J. P. McKinne, Samuel Howard, Charles Howard, John Haslett, Moses Rogers, A. S. Bullock (*sic*), John Bogue, Andrew Low & Co., Robert Isaacs, I. Minis, S. C. Dunning, J. P. Henry, John Speakman, Robert Mitchell, R. & J. Habersham, James S. Bullock (*sic*), Gideon Pott, W. S. Gillett and Samuel Yates, all of Savannah.* The directors were William Scarbrough, Robert Isaacs, S. C. Dunning, James S. Bulloch, Joseph Habersham. The capital stock (not named in the charter) was \$50,000.

The hazardous nature of the enterprise seems to have been well understood and frankly avowed. The charter recites that the incorporators were seeking a charter "with a view of making a laudable and meritorious experiment", and refers to

*Acts of 1818, p. 187, and Lamar's Digest, p. 523.

their "sanguine expectations". It is probable that these were not based on their knowledge of trans-Atlantic navigation or trans-Atlantic commerce. They can be explained by the wonderful returns from boats on the Savannah river, the stock of an existing company selling at many times par value. On the same day on which "The Savannah Steamship Company" was chartered, the legislature also chartered "The Savannah River Navigation Company" with a capital stock of \$600,000, for the navigation of additional boats on the Savannah river. The stock in the two water ventures was offered for subscription in Savannah at the same time and was all taken immediately.

While we lack fifteen years of reaching the centennial of the "JOHN RANDOLPH", also commemorated by a tablet unveiled this day, her history is another evidence of the pioneer enterprise of Savannah in transportation, particularly in water transportation. She was clearly the first iron ship in American waters; and she was an American ship, built, owned and operated in Savannah. I say built in Savannah notwithstanding the fact that her plates were made by the great shipbuilder, John Laird (well known as builder of the Confederate cruiser "ALABAMA"), and shipped to Savannah where she was constructed, being launched July 9, 1834. She was a "fabricated" iron steam boat, as are the steamships now being turned out in large quantities from the Hog Island Shipyard (the largest shipyard in the world) and many others, where not only the plates, but nearly all of the structural pieces going to make up the vessels, are fabricated at other points and shipped to the yard, and there put together and launched. In 1834 Savannah could not produce the steel plates, and the facilities for producing them anywhere in the United States were so inferior that Savannah's enterprising citizen, Gazaway B. Lamar, naturally, if not necessarily, went abroad for them.

Mr. Lamar was for many years a leader in business in Savannah and an active participant in all her more important enterprises. He closed his career in New York as president of the Bank of the Republic, a bank of much importance today.

Looking for the best, willing to take risks, he was not appalled by the fact that iron boats of any form were new and untried. The first iron steamboat, and probably the first iron boat of any kind, that the records show, was the "AARON MANBY", launched in 1820 and named for her builder. She was likewise a fabricated ship, being constructed at the Horsley Iron Works in sections, sent to London, and put together in dock. She was not broken up until 1855 after thirty-five years of service. Mr. Lamar probably knew of her, for at the time of the launching of the "JOHN RANDOLPH" she had been in service for twelve or thirteen years.

We have but few particulars of the "JOHN RANDOLPH". She was built for Savannah river traffic, where an iron boat with lighter draft than could be obtained with wood construction was very desirable. The *Georgian* of July 10, 1834, says "she is a beautiful model of a boat and sat as lightly on the water as a duck". She was advertised to "go all the way by steam" and to go "with two tow-boats", (clearly meaning "tows"), and her sailing, probably on August sixteenth, is announced in the *Georgian* of Tuesday, August 19, 1834.

Whether she was ultimately successful and how long she continued in service we do not know; but Savannah can look with great pride on the act of her enterprising citizen who to her earlier glory as projector of the first steamship to cross the ocean, added that of being builder and owner of the first iron boat constructed or even seen in American waters, a feat which was entirely and solely a Savannah enterprise. Here, at least, we have no dispute as to where credit and honor are due.

Savannah is essentially a port. Situated on the flat coastal plain, not surrounded by rich agricultural lands, center of a circle of which one-half is the boundless ocean, she has little or no back country as a local territory. For her prosperity and her growth, for her contribution to the general advance in the trade and commerce of the country, her chief business has been and must ever be the water traffic which she handles locally and the rail-and-water traffic which passes over her wharves.

Except for the splendid river on whose bank she sits, nature gave to her as a port no advantages over her neighbors; and the development of rail traffic has practically neutralized the advantage of the river. Nature gave her a narrow tortuous and uncertain fourteen-foot channel of eighteen miles to the sea. Awakening early in her history to the importance of the improvement of her harbor, contributing to its development to the extent of her ability, she has received the benefit of large appropriations from the Federal Government which have resulted in a splendid deep channel and steady growth of her water tonnage. Mr. Burton of Ohio (afterwards Senator Burton), who so long and so ably filled the important position of Chairman of the River and Harbor Committee, told a Savannah delegation several years ago that there was little difficulty in getting for Savannah appropriations recommended by the Board of Engineers, because statistics showed that Savannah's water commerce always promptly responded to every increase in the depth of water, to every improvement in the harbor. Her enterprising merchants have always taken advantage of what was given them.

It is interesting to note an early evidence of appreciation of the rapidly growing importance of the combined rail and water traffic which moves up and down the Atlantic coast. The preserved records of Savannah's first railroad, completed to Macon in 1841, show that as early as 1848 the railroad corporation was the owner of stock in a steamship company operating between Savannah and New York; and one of the first cases of resumption of business between the sections which had been interrupted by the war between the States was the accounting of persons in New York to this same railroad company for large interests in coastwise steamship properties which it had owned in 1861, and for which it collected a large sum in 1866.

Savannah's position as a pioneer in ocean steam navigation was but the forerunner by a few years of her remarkable record in promoting other methods of transportation. In the decade succeeding that which was closed by the voyage of the

"SAVANNAH", came the promotion of a canal to connect the Savannah, the Ogeechee and the Altamaha rivers. The records of the city government record many cases of financial assistance to this enterprise, which finally resulted in the completion and the operation for several years of a thirteen-mile canal to the Ogeechee river. This unfortunate transportation corporation is now dead, and its canal (finally acquired by the city) is no more; but in one element of corporate adventure, it was truly a pioneer. We think of corporate "re-organizations" as products of the last quarter of the nineteenth century, but this limping enterprise, whose history until its final closing shows many alternating periods of operation and shutting down (with the latter strongly predominating), also furnishes in 1837 the first instance I have found of the "re-organization" of an insolvent corporation.

But as Savannah had not been content with transportation by sail across the water she was not content with transportation by canal boat across the land. It was but a few years after Stephenson had first propelled railroad cars by steam that she reached out for transportation to the interior. She was already operating profitable lines of steamboats on the Savannah river to the head of navigation at Augusta. Some doubt as to the practicable feasibility of rail transportation by steam is expressed in the first effective charter obtained for a line to Macon. This doubt is shown in the title of the corporation, "The Central Railroad and Canal Company," chartered in 1833, with the right to construct either a railroad or a canal as might be found most expedient. Macon was also interested in this enterprise, but when two years later the charter was changed by the elimination of the canal, by the addition of banking privileges, and the change of name to "The Central Railroad and Banking Company of Georgia", Macon's interest had disappeared and it was distinctly a Savannah enterprise. There stands in Wright Square a handsome monument to William Washington Gordon, who resigned the mayoralty that he might as a member of the legislature more successfully promote this charter, and who as first president of the new cor-

poration died in its service just before the completion of the line, a victim of the diligent discharge of his duties. Savannah has thus shown that her appreciation of her heroes is not confined to those who have distinguished themselves on the field of battle or in the realms of statesmanship, but is freely accorded to her enterprising and patriotic citizens who have given their labors, their fortunes, and if need be their lives, to the development of the material resources of the country and the improvement and betterment of their fellowmen.

All difficulties were overcome, and the new railroad was built. For many years the main line of "The Central Railroad and Banking Company of Georgia", 191 miles long, (now constituting the backbone of the 1,900-mile system of Central of Georgia Railway Company, with Savannah as its only port), was the longest railroad in the world. The municipality, though never owning the majority of its stock, was practically its most influential stockholder. She invested in it not less than \$1,000,000, for which she incurred large indebtedness. Through the wisdom of the city council, when and as a favorable market presented itself the stock was from time to time sold, and the bonds retired with a small profit to the city.

She was a large subscriber to the stock of the Southwestern Railroad Company, the Augusta and Savannah Railroad, and other railroads in Georgia now constituting part of the Central of Georgia, and still preferentially directing their traffic to the wharves of their foster mother. In all of these cases the financial results were equally satisfactory. But she had one disastrous financial experience in the promotion of her commerce. She was a heavy subscriber to the Atlantic and Gulf Railroad, now a prosperous and profitable part of the Atlantic Coast Line System, running across the State near the Florida line. It was not a profitable venture for the original investors, and when it went through bankruptcy the municipality was still a large stockholder, with a large amount of bonds issued against the subscription still outstanding. That the city lost heavily in this enterprise is due to an interesting incident in the development of our economic policy and our laws. In

1868 she made a contract for the sale of this and other stocks on favorable terms, which included the assumption and payment of all her outstanding bonds that had been issued for railway stock subscriptions. Dissatisfied stockholders of the Southwestern Railroad Company and The Central Railroad and Banking Company, the proposed purchasers, successfully enjoined the sale. The contract was cancelled, most of the stock involved became worthless, and Savannah lost a million and a quarter dollars.

"Big Business" today would be astonished to read the frank resolutions of the Southwestern Railroad Company presented to the city council as authority for the proposition:

"Whereas, The consummation of those propositions contemplate an amicable and just settlement of the present unhappy and ruinous competition on the part of the Atlantic & Gulf Road for business legitimately belonging to the Southwestern and Central Railroads:

"Now Therefore, Relying upon the good faith of the city of Savannah, to protect as far as possible the investments already made in the great channels of commerce terminating at the port of Savannah by refraining from fostering other competing lines, and for the purpose of rendering the lines now in existence not only self sustaining but profitable—disclaiming all antagonistic feeling, and desiring to contribute, as far as possible, to the commercial wealth and prosperity of Savannah, be it

"Resolved, &c."

It would be difficult to find a modern instance of so frank an avowal by big business of its intention to limit, if not wholly to suppress, competition. That such frankness does not pay will appear from the decision of the Supreme Court of Georgia (*Central R. R. vs. Collins*, 40th Ga. 583), which by a vote of two judges against one sustained the position of the objecting

stockholders. If not the first, it is one of the first formal decisions which have so firmly imbedded into American law the basic principle that public service corporations may not suppress competition.

This decision also shows the importance which was attached, even as late as 1868, to inland river transportation. Of the two lines which were held to be competitive, one runs northwest and west from Savannah through Macon to the Chattahoochee river at Eufaula and Fort Gaines, the other from Savannah southwest to the Flint river, a tributary of the Chattahoochee, at Bainbridge. The rail connection between the two was treated as negligible, but the suppression of competition was expected to come from the throttling of transportation on the Chattahoochee river, treated by the court as a great highway of commerce. About thirty years later, in another case (*Dady vs. Ga. & Ala. Ry.*, 112 Fed. Rep., 838) involving a similar question, another high court in analyzing competitive conditions between two other railroads, both reaching from Savannah to the Chattahoochee river and more nearly parallel than were the earlier roads, treated the river commerce as insignificant and immaterial.

I have sketched some, but not all, of the transportation enterprises which are the result of Savannah's progressive activities because they teach us that it was no haphazard accident that made the small town of 1819 the successful projector of the first steamship to cross the ocean, and fifteen years later of the first iron vessel in American waters. Realizing from the beginning that her interest lay in establishing and maintaining herself as an important station, intermediate and terminal, for the transportation of the commerce of the state, the nation and the world, she has persistently and consistently, sometimes with great money loss, always with the risk of it, seen to it that she was well provided with rail and water lines ample for her needs. She has had no small part in the building up of her state and her nation, and as a transportation centre she is reaping her reward. Today she is served by the four largest railway systems in the South, all well provided with

ample terminals. Though limited by the ocean to only a half circle of adjacent territory, ten railway lines radiate from her stations, of which but three may be described as "short lines". An important and successful coastwise steamship line bears her name and claims her as a home port. This line has recently built at large cost a modern pier and terminal of great size, recognized as probably the best in America. The great war has distorted all navigation statistics, but in normal times the ships of all nations, steam and sail, line her wharves to bear to the uttermost parts of the earth the commerce which her rail lines have brought from the interior.

For the past thirty years her foreign commerce has grown steadily, and she has gradually outdistanced her competitors as a port. In 1910-'11-'12 the value of the foreign exports from Savannah exceeded the value of the foreign exports from all other South Atlantic ports combined. This means that in normal times her foreign business was greater than the combined foreign business of Norfolk, Newport News, Wilmington, Charleston, Beaufort, Brunswick, Fernandina and Jacksonville.

In 1912 the value of her foreign exports was exceeded only by that of New York. Savannah was second, with Baltimore, Boston and Philadelphia following behind. In 1913-'14-'15 the value of the water borne commerce, foreign and domestic, through the district of Savannah exceeded that of every other district except New York and Philadelphia. Between 1904 and 1914 (the last year for which statistics are available) the foreign exports from Savannah increased 105.5% while those of New York increased 70.5%; and from 1884 to 1914 Savannah's increase was 454.75% while that of New York was 162.25%. These figures were not approached by any other port.

It is impossible to eliminate from the causes which brought this supremacy the persistent encouragement and assistance always given to transportation enterprises; and today we commemorate the spirited activity and courage of the little embryo city which gave them birth.

The city of which I speak is not only the little Savannah which carried out the three enterprises whose centenaries are now commemorated, and which projected the first iron vessel ever seen in American waters, but is the Savannah which was foremost in the building of the some time longest railroad in the world, and the establishment in connection with it, of a large and important bank; the Savannah which subscribed near two millions of dollars to the capital of this and other important railroads; the Savannah which converted a site of naturally unsanitary surroundings into one of the most healthful cities in the country, with a low death rate; the Savannah which from her founding to this day has never seen an insolvent bank close its doors; the Savannah which forty years ago, more than decimated by pestilence and overburdened with debt incurred through her unprofitable railroad venture, successfully struggled with and avoided impending bankruptcy; the Savannah which, notwithstanding the difficulties of this struggle, continued from year to year on her march of progressive municipal improvement; the Savannah whose debt, notwithstanding these improvements, is today less than it was forty years ago; the Savannah who in the race for foreign commerce has so far outstripped all other South Atlantic ports, and many of her more pretentious competitors.

These things have our forefathers and our predecessors done. The benefits and advantages which come from their work are ours, but with them come corresponding obligations. Ours is the duty to emulate their virtues and to follow their example. Let us not make this centenary an empty form. Let us seriously reflect on what these others have done, and here and now firmly resolve that their work shall not prove to have been in vain, and that, proud as we are of their achievements in the past, we shall by united and determined action endeavor to excel them. Today must be better than yesterday, and tomorrow better than today.

An Address

In the City Auditorium of Savannah, Ga.
April 21, 1919

By HON. E. E. ROGERS

Mr. Chairman, Your Excellency the Governor, Your Honor the Mayor, Ladies and Gentlemen of Savannah:

It has been the privilege of Mrs. Rogers and me to attend many public occasions, but never have we journeyed so far in response to so gracious an invitation, nor with keener anticipation, than to this celebration.

As the official representative of the city of New London, Conn., by direction of the city council, I am pleased to convey to the people of Savannah the heartiest greetings from the citizens of New London, with their best wishes for the success of this Centennial, celebrating as it does the first trans-Atlantic voyage by steam.

New London and Savannah are associated historically. Both were captured during the Revolutionary War. Your Sergeant Jasper sealed his patriotism with his life. Within a few rods of my residence in New London stands the school house where Nathan Hale resigned as principal to accept his commission in the Continental Army, which service he sealed with his life, regretting that he had but one life to lose for his country. After reading your traditions and history and seeing your historic memorials on every side, I must pay a word of tribute to your patriotic women of such societies as The Colonial Dames, Daughters of the American Revolution, and United Daughters of the Confederacy, and others who have been instrumental in erecting such memorials, and I will do this in the words of Georgia's historian Lamar when referring to the patriotic women of Georgia, he said, "Whose unwearyed efforts to rescue from oblivion the fading records of your great commonwealth, have made them, in a peculiar sense, the guardians of Georgia's immortality."

A few minutes ago I learned the Jasper Memorial was organized and successfully completed by your local historian, Gen. Meldrim.

Savannah and New London have been associated commercially. One hundred years ago the wealthy and enterprising Savannah merchants lead by William Scarbrough financed the building, equipping and trans-Atlantic voyage of the S. S. SAVANNAH. It was one of the most patriotic, commercial undertakings ever financed by the citizens of any municipality and is deserving of the highest praise.

New London is pleased to have had a share in this great undertaking by furnishing Captain Moses Rogers, commander of the ship, and Captain Stevens Rogers, the sailing master. While the ship was built in New York, yet the crew was shipped from New London. I am simply a relative of the Captains Rogers (the press reports me a descendant) having descended from the same New London ancestor, in which city the Rogers family has lived for 264 years. Judge and Mrs. Arthur P. Anderson have come with us and Mrs. Anderson is the great-great-niece of Captain Moses Rogers.

Felicitating you on the great honor which is yours, and congratulating you on the superb enterprise of your people of today, it is a delight to be present with you.

- The Loss of the Steamer Pulaski

By MRS. HUGH McLEOD (Miss Rebecca Lamar)

An account of the disaster so graphically described in the following paper, by a gentleman whose name was not given, was published in 1854, in the Rev. George White's "Historical Collections of Georgia." The sketch here given was written by one of the survivors of the wreck, Miss Rebecca Lamar, not for publication, and in the preparation of it she consulted two of her fellow passengers, Mr. James Hamilton Couper, of Georgia, and Major J. B. Heath, of Baltimore. Miss Lamar afterwards married Hugh McLeod, who graduated at the U. S. Military Academy in 1835, entered the U. S. Army as 2nd Lieutenant, resigned to join the Texan forces in their struggle with Mexico, commanded a company in the battle with the Cherokees in 1839; later became a lawyer; entered the Confederate Army in 1861, attained the rank of Colonel, and died in Dumfries, Va., January 2, 1862.—*Editor.*

The steam packet "PULASKI", Captain Dubois, sailed from Savannah on Wednesday, June 13, 1838. She arrived at Charleston the afternoon of the same day, and left Charleston the next morning. In the afternoon the wind was fresh from the east, and produced a heavy sea which retarded her progress and required a full pressure of steam. At 10:30 P. M. the wind continued fresh with a clear star-light, and there was every promise of a fine night. At 11 o'clock the starboard boiler exploded with a tremendous violence, blowing off the promenade deck above and shivering the starboard side about midship; at the same time the bulkhead between the boilers and forward cabin was stove in, the stairway to it blocked up, and the bar-room swept away. The head of the boiler was blown out, and the top went fore and aft. In consequence of the larboard boiler and works being comparatively uninjured, the boiler keeled to that side and the starboard side was kept out of water except when she rolled, when the sea washed in at the break. The boat continued to settle rapidly, and in about forty minutes the water had reached the promenade deck above the ladies' cabin. Previously to this period the ladies, children and the gentlemen who were on the after part of the boat were placed on the promenade deck. About the time the water reached that point the boat parted in two with a tremendous crash, and the bow and stern rose somewhat out

of the water, but the latter again continued to sink until the water reached the promenade deck, when it separated into two parts, upset and precipitated all on it into the water. Many then regained the detached portions. The cause of the disaster was obviously the neglect of the second engineer in permitting the water to boil off in the starboard boiler and then letting in a full supply of water on the heated copper.

Passengers, so far as their names are known, inhabitants and residents of Savannah:

Dr. John Cumming, lady and servant; Samuel B. Parkman, Esq.; Misses Authexa, Caroline and Theresa Parkman; Master Whitney Parkman; Dr. P. H. Wilkins, lady and son, Francis; Mr. Robert Hutchinson, lady, two children and servant; Mr. G. B. Lamar, lady and servant; Misses Martha, Rebecca and Caroline Lamar; Masters, Charles, William, Thomas and George Lamar; Mrs. William Mackay, two children and servant; Mrs. John Wagner; Colonel William Robertson; Captain R. W. Pooler and son, Robert; Messrs. George Huntington, B. W. Fosdick, Sirman Miller, A. Hamilton, L. Bird, Samuel Livermore, A. Stansfield, R. Brown, W. W. Foster, C. Ward.

Colored women—Jenny, Priscilla and Sallie Middleton.

Inhabitants of other places who embarked at Savannah:

Mrs. Nightingale, child and servant; Mrs. Fraser and child; Colonel W. A. Dunham and lady; Rev. I. L. Woart and lady; Dr. J. E. Stewart, lady and servant; Rev. E. Crafts; Mrs. J. E. Taylor, Misses Rebecca and Eliza Lamar; J. H. Couper, Esq.; Major J. P. Heath, Dr. Thomas F. Ash, Messrs. H. Eldridge, H. N. Carter, A. Lovejoy, A. Burns, Wm. A. Stewart, Farquhar McRae, C. Hodson.

Embarked at Charleston:

Mr. Ed. J. Pringle, lady, child and servant; T. P. Rutledge and lady; H. S. Ball and lady, child and servant; B. F. Smith and lady; Rev. S. S. Murray, lady and four children; Mr. G. S. Davis and lady; Mr. J. Lengworth and lady; Mr. Eddings, lady and child; Mr. N. Smith, lady and child; Mr. Hubbard, Misses Evans, Mr. Merritt, lady and child; Miss

R. W. Freeman, Judge Wm. B. Rochester, C. B. Tappan, Judge S. A. Cameron, Master T. Whaley, Captain Daniel Britt and lady, J. D. Twiggs, Mr. Coy, lady and child; T. Dowale, Major G. L. Twiggs, Lieutenant Thornton, U. S. A.; Misses E. Drayton, Rutledge, Heald, Trassier, Michel, Clark, Greenwood; Messrs. R. Seabrook, S. Keith, R. D. Walker, E. W. James, Joseph Anse, Bennett, C. W. Clifton, B. L. Greenwood, E. W. Innis, W. C. N. Swift.

THE WRECK OF THE "PULASKI".

The "PULASKI" was born of a wreck. In the autumn of 1837 the "HOME", a packet steamer plying between Charleston and New York, returning South, was lost on the coast of North Carolina. She had many passengers, the majority of whom were lost—among them some prominent persons. This calamity was deeply felt, particularly at the South. The insecurity of the traveling public was never so apparent, and those whose habit it was to go North with their families in summer deemed it incumbent upon them to insure against a similar recurrence, if possible. The subject was discussed among prominent merchants of Savannah, which resulted in a joint stock company for the building of a boat of greater strength and speed, to ply between Savannah and Baltimore touching at Charleston, remaining over night, and leaving at 6 A. M., and would the following morning reach Baltimore to breakfast, "being only one night at sea". The boat was built and named "PULASKI". Her officers and men were duplicated. Those who served in the day rested at night. The steamer had made three successful voyages, meeting the expectations of the company and her passengers, who, on their arrival in Baltimore, tendered complimentary cards to Captain Dubois, her commander.

Captain Pearson was the sailing master. My brother was a stock-holder, and, knowing that I intended going North, invited me to go with him and his family on the fourth voyage of the "PULASKI". Having a natural dread of the sea, and the "HOME" so fresh in my memory, I declined the invitation.

In reply, he said, "Were you to see the boat, you would not refuse." Just after, I received a letter from a friend, inviting me to visit her—"Come, but not by sea." This confirmed my resolution. A special duty called me to Savannah some time before the family would leave. My brother's house had been my home for several years before his removal to Savannah, and the strong attachment mutually subsisting had known no diminution. The pleasure of being again with the family! I was next to the parents in the affection of the children, and whom I loved not much less. My fears had not abated, but the reputation of the steamer and my wish to be with the family decided me, and my passage was engaged, without persuasion, and without my having seen the boat.

The day—13th June, 1838—when the "PULASKI" would leave on her fourth voyage, arrived. A pleasant breeze was blowing that tempered the heat and made it feel like Spring. The passengers were from the elite of the city. Sojourners returning to their distant homes, and others from farther South and West, assembled on the deck, presenting a picture of unusual brightness; so many happy faces animated by hope and expectation. She inspired confidence. She appeared so strong, and looked so comfortable.

The partings over, the steamer sped on her way. We reached Charleston at the usual hour for her arrival, long before the sun went down. The passengers generally went ashore. Our party remained aboard, and sought the shady side of the boat, as the heat began to be felt for the first time during the day. Seated on a settee we saw two ladies, one supporting the other who seemed fainting, while a gentleman stood fanning her. Just then my brother appeared, followed by a gentleman carrying some iced syrups. Perceiving the condition of the lady, refreshments were offered the party who accepted the timely offer with many thanks. The gentleman also had the appearance of an invalid, and the look of a clergyman.

The "PULASKI" was a low pressure boat. She was built differently from the sea steamers now. She was broad, and

sat low in the water. No ladies' cabin was built on the stern of the boat. Outside the cabin were projections called "guards", and were a part of the continuations of the main deck. Opposite the door of the ladies' cabin, with twenty feet of space between, was the captain's office, or state-room, on each side of which, with a passage between, five feet in width, were the closets for china, glass and butler's pantry. Behind these closets, opening on the passages, were two state-rooms opening on the east side of the boat. In the rear of these rooms were the wheels, the passages continuing to the bow. My brother's wife, three children and nurse occupied one of the state-rooms. His oldest daughter, not sixteen, Eliza, her cousin, not seven, and the daughter of my oldest brother and my especial charge, occupied the other with me. Opposite my state-room door there was a stairway leading to the lower deck. There was another cabin at the bow. As the passage opened on the bow, on either side were stairways leading to the upper deck which roofed all the boat I have described, except the bow.

After tea Miss Parkman and I went upon the upper deck, and she pointed to two little boats covered with canvas, or tarpaulin, with oars alongside each, and said: "In the event of an accident I would prefer clinging to the steamer rather than get into one of them. The sea may have opened the seams and caused them to leak." My fears had vanished as my feet pressed the deck of the "PULASKI"; and now the conversation did not trouble me in the least; but I agreed with her in what she said. Yes, I too, would remain on the steamer in preference. There were so many of us that the captain, after leaving Charleston, offered his state-room to my brother, remarking that he never slept at sea. We did not know of the offer, nor did I know where the boys slept. My apprehensions left so entirely I never thought of inquiring, nor do I believe their mother knew. The state-rooms were large, containing every convenience. Three large berths each, the bottom one on casters so as to make more space between the other two, consequently the lower one had to be drawn out after shutting

the door, as it occupied nearly the width of the floor. There was a large window seaward and opening over the door opposite, the sash arranged to hook up to a joint. The breeze was so cool that I had to put a calico double gown over my night gown and usual under garments. To avoid sea-sickness I had undressed and kept my berth, not having ventured out but a short time after leaving Savannah. After leaving Charleston I had not risen, and for the first time escaped sea-sickness, owing partly to my abstinence, but more to the constant draught of fresh air through the state-room.

My sister sent me word at tea time that she and the nurse were too sick to give the baby his supper. I dressed and took the child to the table. The meal was over; two men only lingered, and a lady with a child in her arms, occupied as I was in feeding the child. The table was spread on the guard between the ladies' cabin and the captain's office. There were no saloons in those days. I have no recollection of tasting food after leaving the breakfast table in Savannah. I think it highly probable I took tea in Charleston, as I only avoided food to prevent sea-sickness. The baby fed and restored to his mother, I went back to my berth. Eliza came in soon, and then Martha. I heard Eliza say her prayers, and as she lifted her eyes I remember how beautiful she looked as she knelt before me. We went to sleep, free from anxiety, to wake in Baltimore!

Everything had been propitious. We slept soundly until awakened by the most appalling sound that is only equaled when the thunderbolt strikes near. I have only heard it repeated in storms; but the sound was followed by the trembling and careening of the steamer. The engine was stopped; the wheels did not move. I leaped from the upper berth unconsciously, almost simultaneously with the sound, and found the two nieces beside me, exclaiming in terror: "What can be the matter?" The boat was quivering and careening over to one side. Martha and I pushed with our might against the berth, but it would not go under, or be moved, nor could we open the door until it was under. Martha's strength was exhausted

I then proposed to get through the transom, she to lift Eliza, and I would then assist her. The proposition was made while I was executing the plan. My head and shoulders were through the opening when the steamer gave a tremendous lurch. The berth flew under in a flash, and the door opened with tremendous violence. The china and glass fell in the closets with a crash, and every light went out. We found my sister with the nurse and three children at her state-room door, quietly waiting the coming of her husband. I heard groans proceeding from the now darkened passage. I stepped a few paces, and found a negro man on his hands and knees, in agony. I said: "Daddy, what is the matter?" "Oh, missis, my feet done burnt off!" My heart was full of sympathy, but I saw the boys coming from the lower saloon with their clothes in their arms. Charles followed immediately, dressed save his cap. We held the different articles, handing them as they were needed. Charles held William's jacket, and, as he handed it, the little boy said: "Thank you, brother." It was characteristic of the child, the most obliging and most grateful of children. Charles collected the clothing of his brothers, put them in their arms, and made them precede him up the stairs. He was fourteen years old.

A man came along, begging us to come on the upper deck and help balance the boat. We asked what was the matter. He said there had been a collision; that the boat was leaking, and he wanted help to bail her. This was the only man I had seen save the poor negro who was wounded. It was strange that, hearing the explosion and seeing him and the condition of the steamer, the truth had not forced itself on our minds. Now my brother had come, and several voices cried out: "What is the matter?" He had not heard the explosion, but was awakened by the cries of the women and children. "I don't know, but will return and see." He came, pale and trembling, and said: "The boiler has burst, the boat is sinking, and we shall be lost in five minutes!" These hopeless words were received in silence which I was the first to break. "Could we not get on the upper deck? Stay there until I run and see."

Just then the same man came again, begging us to come up and help to balance the boat. My sister said: "Let us go; he will think us obstinate in staying here; but be careful we are not separated from the children." We moved in a compact body, each carrying or leading a child, all clinging together. We touched the outer circle of the crowd, but our faces were on our little ones; and, though touching, did not see a face in the crowd. Almost immediately my brother came, and said: "Follow me!" We retraced our steps to the lower side of the deck where the little boat had hung—now gone. A voice now said: "Mr. Lamar, save my children, and Mr. Mackay will bless you!" He replied: "I will do all I can for you, but I have no hope for any of us!" He directed his daughter to get up on the upper deck by climbing the davit. She was up, and he handed her a child. She caught hold, but cried out: "Father, don't let go; I have no strength!" I immediately took her place, and all were soon on the upper deck, where we found a man, only an acquaintance of my brother's, Mr. Huntingdon, of New York. They stripped one of the boats of its canvas, but before they could turn her over, Mr. Smith, of Augusta, with his wife and her babe, gained the deck from the upper side of the steamer. He now aided in turning the boat, looking for pieces of plank as substitutes for oars, placing the boat on the edge of the steamer, so that when she sank to the bed of the ocean he and Mr. Lamar could push her off and jump in to row her. A tin basin had been found, or a biggin (I forget which), to bail her, Mr. Mackay saying, "I will bail her, Mr. Lamar," all were seated in the boat. My brother asked Mr. Huntingdon if he would not go with us; he said: "No, I prefer to stay on the steamer." I had said the same words the night before.

While the preparations were being made a cry attracted me to the other side of the deck, where I found a colored woman clinging to the side of the boat. Extending my hands, she was enabled to reach the deck. Running back to Eliza, seated in the boat, I lost sight of the woman. The child no longer screamed. She was the only one of our family who

cried or screamed. The little baby would look from face to face in astonishment only. Martha exclaimed: "Oh, Aunt Rebecca, what shall I do?" "Look to Jesus who alone can help us." Seeing the boat so crowded, and no room for the two men to use their oars, as I thought, and doubtful of their being able to jump in on time, reminded me of my words the night before when I was not excited by fear. I deliberately took Eliza from the boat, saying: "I, too, prefer to remain on the steamer." My brother said: "I implore you, Rebecca, to get in the boat. I do not promise that you will be saved, but it is our only hope!" I got in with Eliza, with my arms around her. I sat facing seaward. Instantly, I felt a blow on my chest, and that I was drowning. The steamer had suddenly parted; the machinery went to the bottom, and the two ends stuck up out of the water. Our boat, I suppose, was upset, but I was knocked by a wave backward out of the boat which I saw no more. The water was so buoyant that I rose upon the waves, and I could catch a gleam of the struggling, drowning people around me. Once I caught hold of something while beneath a wave, but as I rose to the surface I saw that I had caught hold of a man's vest, just between the shoulders. As I saw the white sleeves and the black back, I let go, for fear of drowning myself and him. I found afterwards my brother's vest corresponded to the glimpse I had of him while struggling in the water. It was the only conscious thought I had while drowning or struggling in the waves. A piece of scantling, nine or ten feet long, but not heavy, floated to my arms. I folded them over it as it lay across my chest, and floated on my back, seeing only the sky.

At last I floated against something which resisted the touch, and I looked and saw the stern from which I had been precipitated. I caught an iron stanchion, and drew myself upon the wreck, still clinging to the stanchion, and bracing my feet against one higher up, with head downward and the sea lapping its waves partly over me. I was so exhausted I could not think. My brother came swimming in a few moments. He extended his hand, calling out in alarm: "You will

be washed off! Come up higher!" I was lifted to my feet, and immediately a wave brought Martha up. We recognized her instantly, she holding up her hand and crying out: "Give me your hand, Aunt Rebecca!" Charles, fortunately, could swim, and he came next. His father stood almost, or quite, in the water, watching for others. We continued to stand near the water, when my brother called to us to go up higher. We crept up the inclined plane to the steamer's wheel, and each took hold of a brass spoke. The deck was fast assuming the perpendicular, and my brother called out, "Go higher! The wheel will break off with you; go still higher!" We then crept up to the end of the stern, and as we took hold of the railing and looked down perceived the windows in the end of the ladies' cabin were nearly horizontal. On the paneling between the windows sat a colored nurse with a lovely child, two or three years old.

Quick as thought we were precipitated into the ocean. The deck had now broken away. My brother told me at that moment he had his second son, Willie, by the hand, again struggling with the waves. I cannot call it drowning, for I never swallowed a drop of sea water. I was alternately under and on the waves. Soon a feather pillow was floated to my arms. It was a life preserver. I floated on my back again until I felt something firm under my feet. I stood again on the upper deck from which I had been twice precipitated, and which was now floating on the surface of the sea. Its dimensions were easily defined, as it was covered with canvas painted white.

I gained the wreck near me, and I saw a solitary man near one end; his back was turned towards me, in one hand a carpet-bag and the other hand in his pocket from whence he drew a key, fitted it to the lock, and opened it while I still approached. My brother, swimming, came on board between me and the unknown person. He cried out: "Oh, my sister, do we meet again once more?" and, opening his arms, embraced me. His voice attracted the attention of the gentleman, who turning, recognized my brother, and they shook

hands, and I was introduced to Mr. Hutchinson, of Savannah. There were about six inches of water on the wreck generally. At the ends where the plank was broken and the canvas loose, the planks being depressed increased the water to a foot at least. There was a counterward (*sic*) for stowing cables from the weather, four feet high and three sided, with a top. It looked like a small counter, with several coils of rope, some large cables.

The cover of the Pulaski's hold had floated on. It was ten feet square, substantially built, nearly two feet high, but sloping towards the sides a foot and a half. It was a boon to us. A pile of lumber massed together, of all kinds, so jammed that no use could be made of it.

It was a starlight night, becoming more brilliant as the night advanced. A man came on board, with a little child in his arms, crying, "Whose child is this?" Brother and I rushed to him; we had lost so many; but it was not ours. The child recognized her father, and called, "Papa, papa!" He replying, "Connie; Connie, my child!" She was three years old, at least, and beautiful. She had only a night slip on, and it wet. The breeze was fresh and chilly. Fortunately a brown camlet cloak had floated on with the carpet-bag. She seemed to feel the situation, and, adapting herself to her strange circumstances, did not ask for her mother, her nurse, or any of her family; and seeing her father's emotion, she tried to divert his attention by pointing to the stars: "Papa, papa, see the beautiful stars!" Her attempt seemed to increase his emotion, and he brought the child to me and said: "Will you keep the child for me?" putting her in my lap, and I readily consented. He covered us both with the camlet cloak. I was sitting on the cover to the hold, with Connie in my lap; she did not object to my taking her, but she ceased to prattle.

Next came a man, calling, "Whose child?" It was Thomas, my brother's son. I at once gave Connie to her father, and took Thomas in my arms. He was greatly moved at seeing us, and cried himself to sleep in my lap where he slept all night. He was a child of great independence of character, full of

gaiety and intelligence for his years, now so depressed that he never spoke except in reply, and I dared not question him of his experience. He only cried the first night, and then not audibly. Connie was transferred to Mrs. Smith, who sat beside me. In fact it was a seat for as many as could find room; the only other was the cover for the poop, and which the gentlemen used exclusively, as it was too high for ladies, and not so comfortable, though the spray never reached so high.

The box for cordage afforded seats for three men comfortably. It was high enough to enable them to sit comfortably with their feet out of the water, and they were seldom wet with the spray. In the day time while some were walking or sitting elsewhere, one would take advantage of the moment to catch a nap. These men would alternate in sitting up out of the water, and I saw no exhibition of selfishness towards any, but on the contrary, exhibitions of little kindnesses. Mr. Hutchinson drew forth several garments from his bag for those who needed them.

I must record a most touching instance of sympathy towards myself. Dr. Stewart, from Maryland, a consumptive, and very feeble, asked for a knife one morning early, when the breeze was chilly and the sun not up, and cut off the tops of his long woollen stockings and gave them to me to put on as I was bare-footed. I was extremely sorry for the sacrifice, but have never forgotten it.

The night wore on, all quiet on the wreck. Suddenly a manly voice sung out beyond us: "Help! Help!" "We have no means to help" was the despairing cry. "Who are you?" some one called out. "Colonel Ball, wife and daughter, of Columbus, Georgia." They were never heard of afterwards. That helpless cry increased our sadness, and each, burdened with his own thoughts, was silent again—the only sound the dash of the waters, and that far off murmuring sound so peculiar to the ocean and always disposing towards melancholy under ordinary circumstances, but now so extraordinary, taking away almost hope itself. Just then a voice cried out:

"See the light! What can it be? It may be a ship approaching! It brightens! It is coming nearer! Let us unitedly call; we might be heard, if not seen!" The signal given, we shouted, as the moon rose off the sea, as it were.

The morning of the 15th (14th?) was beautiful, and we could see in the early light ships afar off, sailing from us. The men now commenced to brace the wreck by stretching ropes from one end to the other, using large cables for the purpose. Little sails were arranged to increase the speed of the drifting. There came a boat so near that she was secured—a valuable acquisition, though there was a hole in her side as large as the crown of a man's hat; it was, however, high up. She did not leak, and was tied to the end of the wreck. (Then follows this paragraph, the connection of which cannot be determined:—"His clothes were torn, and the flesh visible through the rents showed how he was bruised, and could only creep about the wreck now and then.")

The sea was covered with the debris of the Pulaski. During the night a large pile of lumber, massed together in such a way as not to afford even a seat, had gathered in the middle of the wreck. Before we reached it a champagne basket came near enough to be hooked with a stick from the pile. It contained two bottles of wine, one a quart, the other a pint bottle; two phials, one of peppermint, the other contained laudanum. The basket was placed in my charge. Now another object was seen—a boat with two men in her. Very soon one jumped into the sea and commenced swimming for his life. The man in the boat soon reached us. The boat leaked, and the man jumped out for fear of swamping her. The men now shouted and cheered the man, promising to throw him a rope, which they did. No one recognized him until he was almost to the wreck, when I called out: "Mrs. Smith, here is your husband!" He stepped aboard, tottered to her feet, threw his head in her lap, and wept. Mr. Smith was tall, large in proportion, young and athletic in appearance. He certainly

maintained the character of a swimmer. The boat had been upon the wreck. The men, with their pen-knives and bits of rope, caulked her at once, and fastened her to the wreck.

Then two trunks came floating by, and were caught by Dr. Stewart's servant, Caroline. One was filled with papers; the other contained two silk dresses and two shirred bonnets. The trunks were open as they came; they were placed on the pile of lumber to dry. Soon another object appeared. It proved to be two settees lashed together, a man in one, a woman in the other. The little boat was manned and went to the rescue. They caught the arms of the settees and drew them to the wreck. The man was laid on the cover of the hold. He was in an exhausted condition. The blood had settled under his nails, which were very blue, and his fair skin was mottled where the blood had settled. Neither he nor the lady could speak. The peppermint was applied to their lips, and as they were in their senses they put out their tongues to receive the stimulant. In a very short time the gentleman rose, to our amazement, and staggered to the trunk of papers, and, pointing to them, said to Caroline: "These are mine; dry them!" She replied: "A pretty place to dry papers!" His friends went to him just in time to prevent his falling, and laid him on the cover. The peppermint was again resorted to, but he never recovered sufficiently to speak, and died in half an hour. By some mischance he was nude, save a linen sheet around his loins. The lady, in an hour, was able to speak. My brother went to wet her lips and tongue, when she said:

"Mr. Lamar, I saw your little boy, this morning."

"Charles?"

"Yes, Charles. I called to him not to give up."

"When did you see him?"

"He was in a little box."

"How came you to know him?"

The lady was Mrs. Smith, of South Carolina. She could not have been over twenty, finely developed, fair complexion, now only sun-burnt, dressed in a silk dress, but without a cape. It was the fashion in that day to wear low-necked dresses,

hooked up the back, and a cape like the dress. The cape was now wanting, and her neck was blistered with the sun. She told my brother that she had gone to the same school with Charles in Savannah—Mr. White's*—and that he must keep a look out for Charles, as he would be along soon. Mr. Lamar was now watching for his son with great anxiety, and before long he saw a speck upon the ocean. It grew larger as it came nearer, but long before I could distinguish the object we felt assured that it was Charles. It drew nearer, and three persons were on the wreck—a man and boy, with their shoulders together, and a lady leaning on them, as she sat in front. The boat was now in readiness, and my brother called for Mr. Smith. He replied: "I am tired." The reply was: "Oh, Smith, it is my son!" Mr. Smith and some one else went into the boat. The lady was lifted into the boat and on the wreck, and laid alongside Mrs. Smith. She, too, was completely exhausted and unable to speak; but her eyes were so intelligent. The small bottle of wine had been opened, and with the remainder of peppermint she was enabled to speak in a few hours, and as my brother was ministering to the ladies on the settees, she said: "I recognize you as the gentleman who offered me refreshment in Charleston, and now you are so kind in your attentions." I could not leave Charles, who had gone to sleep in my lap, as we sat beside the corpse, and Thomas sitting by my side. I have always regretted that I was so short-sighted as not to think of loosening Mrs. Smith's dress and cutting the corset spring. She was naturally vigorous, and if her circulation had not been impeded I am confident she might have lived. As it was, she soon relapsed into a speechless and unconscious condition, and remained so several days. Charles came to my arms and wept, but could not speak for emotion. He went to sleep, and when he awoke he said: "Oh, aunt Rebecca, what do you think has become of mother and the children?" "I don't know; we must not talk of them now, but let us hope for the best, and try not to cry; you will waste your strength." Dear little Thomas hearing, but not

*Rev. George White.

speaking a word. Dear little fellow, he must have had a dreadful experience to have changed him so. Before, so quick to think, to speak, to act. If he had been in the boat with his mother, he would have spoken. But where could he have been all the time until he was picked up on the wreck by the man who brought him to us? I dared not ask him questions that would make him still more sad.

The gentleman that Charles was with I heard called Mr. Woart, and I recognized him as the same that we saw fanning the lady at Charleston. I now went to thank him for his kindness to Charles, and asked him if he was the Rev. Mr. Woart. He said: "I am the Rev. Mr. Woart, of Tallahassee, Florida." I said: "I thank God we have one good man among us." With almost sternness, he said: "I warn you not to put your trust in an arm of flesh. Look to God, who can save all who trust Him!" I replied: "Surely it cannot be wrong to wish for the company of the righteous; for if the righteous had been found Sodom would have been spared." He then said: "Are you a Christian?" "I hope so," was my reply. "But where did you hear of me?" "At Augusta, when you were the guest of Colonel Lindsay, U. S. A., when our volunteers were going to Florida. You prayed on the boat, before they left. I did not see you, but I heard the prayer." He came and sat down beside me, but seemed so feeble that I told him to lean upon my shoulder. He did so for a little time.

The cover of the box had broken down by so many getting upon it at one time.

Now there was one only seat, and that without a back. Those who could not sit on the cover to the hold had now to sit on the wreck in the water. Mr. Woart was so anxious that his wife should be able to reach her relatives.

Sails distant, and going from us, were seen. The children would be soon exhausted, and the invalids too. Dear Connie had not cried or become impatient, but her thirst increased and her demand increased in proportion. She would say, in a most plaintive tone: "Dear papa, when we get to New York won't you give me three cups of tea?" "Yes, my darling, as

many as you want I will give you." She now asked for food. Nobody felt hungry, and I am inclined to think that eating human flesh is not because the shipwrecked feel hunger, but as a precautionary measure to saving human life. The survivors now began to feel anxious to leave the raft and take to the boats. A proposal was made that the company should be divided, the larger number taking the small boat and the smaller number the large boat, to equalize the chances—the large boat having a round hole in the side, but high up. It was agreed to.

Friday, P. M.—The little boat was immediately filled. Those on the raft complained that the able-bodied men were in the small boat. Captain Hubbard got out immediately. My brother then began to offer premiums to anybody who would go in the large boat. Of course these offers were conditional should he reach land. There were two sailors, one a Dane, and spoke broken English, but was a true man. He pleaded with the people, advising them to remain on the raft, as being more secure than the boat—that there were too many in the boat, it was in danger of being swamped, when all would be lost; that were we to see land the boat would be turned over in the breakers, and only expert swimmers could reach the shore. Brother would not listen. I asked the Dane why he came if he thought the raft safer. "Because I cannot be left alone, and if I go, I cannot go in the best boat." I began to translate the man's broken English, and begged brother to listen, the man, too, assuring them of the peril. The boat had been pushed off, and we had been rowed about 100 yards, when the order was given to return. Nor was the question asked, why we had returned. My heart was lighter when my feet were again on the raft. It was Friday afternoon, the evening of the first day on the raft. This confirms the idea that the sailing from Savannah and Charleston was Thursday, the 14th, and not Wednesday, the 13th of June, 1838. I suggested to my brother the removal of the dead bodies, but it was objected to, and we passed the night in close proximity to the poor gentleman that I saw die. Brother urged me to lie down, and to please him I

tried, but rose up with Paul's words in my thought: "Who shall deliver me from the body of this death?" I sat down, with Thomas leaning on me on one side and Charles on the other, with my arms around both, and they slept.

I was not conscious of sleeping day or night, but one moment, when I dreamed and awoke. The night was darker than the last. The silence was profound, broken only by the surging sea and dash of the waves. The morning light appeared. It was always chilly before the sun was up, the sea breeze cool, and the clothes sometimes damp with spray, and the feet always in the water. My teeth chattered for a moment.

Sails were seen afar off early Saturday morning. Capt. Hubbard, a seaman, captain of a merchantman, a man that inspired confidence, now proposed that six men who could swim, and who could depend on themselves as swimmers, should take the best boat and go ashore, and send aid to those on the raft from thence. Mr. Hutchinson came to me and said, brother being present: "I am unwilling that the men should take the boat and leave us helpless, unless Mr. Lamar goes in the boat. I have urged him to go, and you must persuade him to do so, and he will consent. We have seen vessels, but we have not been seen. This may be repeated every day. The children cannot survive much longer without food. Relief must be sought, and the sooner the better. These men are strangers—they have no loved ones here. They might have no influence to send relief. We know Mr. Lamar can send us help, and he leaves his dearest interest on the wreck. He ought to go. Persuade him!" How could I persuade him to the peril I had heard described? I could only think of the hazard to him. He said: "You must decide for me." I felt the responsibility—but the starving children, and the invalids wasting away! "I consent on two conditions: One is that you will let me fix this pillow around your waist, as a life preserver, promising me not to take it off until you reach the land; second, that the dead be removed before you leave."

On Friday morning a drowned man was discovered on the wreck, lying on his face. It was some time before he was

turned, and he was recognized as Mr. S. B. Parkman, a prominent citizen of Savannah. Mr. Hutchinson took his spectacles and watch from his pocket, for an only child, since his three daughters and his son had perished in this terrible disaster. Consent was given, and Mr. Hutchinson gave the articles to my brother to take with him. Capt. Hubbard now proposed that the large bottle should be opened, and each person should take a swallow of wine. "No one will ----- enough to object." It was done. My brother was handed the bottle, but refused to drink, leaving it for the children. He brought the bottle to me, saying: "Keep this, for the children will need it." Oh, what a pity he had not suggested the sacrifice to all! I am sure Capt. Hubbard would have been one of the first to follow the suggestion.

The dead were laid on the extreme end of the wreck, out of sight, where the water was deepest, and left for the waves to float them off, and we knew not when they left us. The same pillow that had floated out on the wreck was now tied around my brother's waist, and he got into the boat, and called: "Thomas!" The little fellow seemed to guess something, and he moved with more spirit than he had shown; but a sailor who had an oar pushed off the boat. I did not then comprehend the movement, nor what the call meant. I learned afterwards he intended taking Thomas with him, and no doubt that intention made him willing to go. He had not made known the intention, and the sailor, perceiving and knowing the peril, frustrated the plan. Thomas, too, had perceived the intention, and returned disappointed. It was a sore trial to the father.

All the wine in the first bottle was now exhausted, and very little remained in the quart bottle. The peppermint was gone also. The laudanum had been used but once. A gentleman drank sea-water, which caused severe cramps in the stomach. He came to me almost frantic with pain, and asked for the laudanum; he was in such agony that he wished to kill himself. I was afraid to give it to him, so I gave it to Dr. Ash, and asked him to give him a dose, and to keep the bottle.

The gentleman was a Mr. Brown, only 25 years of age, large, over the ordinary size, and seemed the picture of health. He was polite and kind to me, but he never seemed well after that night. Though he did not complain, he looked as if he was ever after under the influence of laudanum. A person, whose name I did not know, with piercing black eyes, would beg for one only drop of wine, that I could not refuse, though I would say: "You know it is for the children." When poor Mr. Woart, parched with thirst, would hold his hand for one drop, I did not refuse, as he was really ill with fever, and his tongue so hard and dry. But the little now left I regarded as a sacred trust for the children. During the day he held his hand for one drop to moisten his tongue. I said: "You know it was given me for the children." "Yes, I know, and feel ashamed while I ask, but as some excuse for me just look at my tongue!" I never saw anything like it—brown, and looked hard, like horn. Charles said: "Aunt Rebecca, give him my share!" Mr. Woart was overcome with emotion. Laying his hand on Charles' head, he said: "You are a noble boy!" It was the last time he asked for any. He would carry it to his wife and Mrs. Smith who had become speechless again, although Mrs. Woart's expression showed that she still retained her senses to the last moment. Mrs. Smith was apparently in a sleep, or stupor. Poor young woman! If she had had her corset off, she might have lived, in my opinion; but it was stupid in me not to see it then. The departure had rather depressed than revived hopes in those that remained. The active spirits had gone. The wind had changed, and with it hope seemed renewed, as the opinion prevailed that we were drifting toward the shore. The idea gave me no little fear, as neither Thomas nor I could swim, and the men discussed the question of landing, and seemed to think that the raft would be broken in pieces in the surf or breakers. I preferred waiting to be picked up by some vessel. But it was decided that those who could swim might be floated ashore on pieces of wreck or clinging to a plank; so I told Thomas that if we saw land he must let me tie him to a plank, as he could swim. For

the first time his feeling of independence revived. "Oh, if I could just see the land, I will manage to get ashore!" I had to reason with him, and argue the case, before I could get his consent to be tied to a plank, if the occasion required it. The opinion was that the landing might be in the night. I found two planks and some rope, and secured them for use. "Thou, God, seest me" was ever present to my mind, and all my hope and comfort was in Him. The clouds were gathering, and distant thunder was heard. The wind suddenly veered, driving us out seaward, and great drops of rain began to fall, when my mouth opened instinctively to receive them. Till that moment I was unconscious of thirst. When I took the swallow of wine in the morning I did not realize thirst; but I did as others had done, without thought, and though I kept it and dropped for others, I never felt any inclination to taste it. The anxiety of mind triumphed over physical suffering and pain. It was only at night, when I had the boys leaning on me asleep, that my back forced me to feel that it might break. In the day they slept too, but my mind was too much diverted by the various occurrences and expectations excited by hope. Hope never forsook me but for an instant, as I felt a billow break over me, filling my eyes with water. As it receded hope revived. The rain poured all night, the wind increasing, and the darkness could almost be felt. Fortunately, we had no more thunder, and not a flash of lightning. We left the accustomed seat and sat in the water on the wreck, and back to back with Mauma. She was an African, and her voice was heard all night in prayer, or a low, monotonous tone, almost like chanting. Fearing she would exhaust herself, I ventured to remonstrate; but in vain. She knew no other way, and prayed on 'till day. The boys were nestled close to me, but I don't think they slept. There was a fierce gale blowing in the morning, and though we could see, the sky was black as ink, and the rain continuing in torrents. I never before or since saw such a rain storm.

It ceased to rain, and the billows began to rise, the sky still black. Mr. McRae said: "Mr. Woart, will you not pray

for us?" He replied: "I have not ceased to pray since I came upon this wreck!" There was a pause and I said: "Mr. Woart, will you not pray aloud, so that we can all join you?" He stood up, lifted up his eyes to Heaven, his form erect. He seemed no longer feeble. His full, round, musical voice commenced to pray for life—that God had implanted the love of life in all His creatures, and therefore it was not wrong to pray for its continuance—then for faith in Jesus, and perfect submission to the Divine Will, that all might be enabled to say: "Not my will, but Thine, be done." I never heard a more eloquent prayer—never expect to see so sublime a spectacle! I have often wished I could picture it to others as I recall it. An artist, who had spent years in Paris, described a picture in the Louvre to me that had impressed him as one of the finest. It was a shipwreck, and therefore a copy for exhibition would justify the labor, etc. The conversation about the picture was renewed on the wreck, and I wondered if it could be equal to that now daguerretyped in my memory.

The wind and waves continued. The sail-cloth covering the deck at the ends was loose, and the action of the water rolled it up continually, so that where the planks were joined and uncovered several pieces were broken off. For security we congregated in the middle of the wreck, and sat down in a circle, near enough to cling to each other as the waves passed over us. Some feared the wreck would be broken up. I feared we might drown upon it. The large cable, stretched from end to end, held a detached piece of the wreck, six or eight feet square. As the waves would advance, the piece, held by the rope, would be driven by the force of the billows over the wreck, and as it receded, would jerk the cable violently. It came nearest to me, and each repetition brought it nearer. I feared it might come near enough to strike me. Each person seemed now only occupied with themselves. I borrowed a pen-knife, and the owner was near me. He did not seem to see me sawing the separate strands of the rope in two, nor, when the last strand was sawed, how quickly the receding wave bore it away. I handed him the knife, and he received it

unconsciously. Mr. Smith, becoming alarmed, ran to the little boat, and jumped in. Mr. Hutchinson had Corinne in his arms, and the cloak around them. Perceiving the panic, he ran too to the boat (one end of the cloak trailing) just as Mr. Smith jumped back. Mr. Hutchinson then, in turning to retrace his steps, slipped upon the end of his cloak and tripped. In trying to recover himself, his hold was loosened, and the wind tore the cloak and child from his grasp, and bore them to the billows. He returned to his place and bowed his head, a broken-hearted man. The child was nearly lifeless. I noticed, as he passed me, the neck could not sustain the head, and the whole form seemed limp.

Mr. Woart could not lift his wife from the settee; but, afraid to have her left lest they should be washed off, he took the head and shoulders, and trailed her feet in the water, and placed her near us. She was now dying. I remember the peaceful serenity of her face, and the intelligence of her eyes, as she turned them and looked at her husband and myself. The billows seemed to come from a great distance, gathering strength as they rolled onward. When they came near, we grabbed each other, and bowed our heads, as they passed over us. Mrs. Woart did not live long. The husband supported her head, and she expired without a groan or struggle. He, poor man, was now nearly exhausted, and as he dropped her head he clasped his hands across his knees, shutting his eyes, and said: "My poor dear wife!" As a tremendous billow came, we bowed our heads, and as we raised them, saw it carry away the living and the dead—the husband and the wife. His hand was raised, but he was on his side, and could not resist the force, and he uttered no word. The violence of the storm abated as night approached. The heavy billows ceased, leaving the sea in great commotion. As the waves would dash and break, flashes of phosphorescent light would run along to meet another wave, and the sea was brilliant with this strange light. Mr. McRae and his friend became restless, moving about and talking to each other, imagined themselves in Florida. Dr. Ely (as I called him, but really I do not think it to be his name,

as I do not find it in the list of passengers) sang the Doxology, "Praise God, from Whom All Blessings Flow!" Then he proposed, seeing the light, to make a visit, and then walked overboard. They immediately returned, and we hoped the experience would prevent a recurrence, but they soon repeated the action and were not able to get back. Then five lives were gone from us to that life above, in a few hours. Mauma's voice in prayer alone broke the stillness of the night. The morning broke, cloudless and lovely—the waves now flowing peacefully—the wreck diminished—the people depressed and worse. Mr. Hutchinson, with his head down, seemingly indifferent to life itself. * * * Dr. Stewart now unable to sit up unsupported. Caroline sat so that he could lean on her shoulder most of the time. Why he did not move to the cover, where he might have laid down, I do not know. I have no recollection of seeing him move his seat, which was in the water during the whole time. He had lost his wife. It was she who was supporting Mrs. Woart at Charleston. Dr. Stewart was a handsome man, with dark hair and eyes, tall in stature, and with a benevolent expression.

Monday, as usual, saw sails at a distance, going from us. An object now engaged Mr. Smith's attention, and he called to us to notice it. It seemed only a point in the distance. He continued to watch it. It maintained the same distance or position from us. Therefore, he conceived the idea that it was a stationery ship, a light-ship, and he thought the distance could not exceed ten miles. The fact that the same relative distance was maintained ought to have convinced him, and us too, that it could not be a light-ship—that we were floating, it must be floating, too. But he did not see the point, nor did we at the time. Still we did not believe it to be a ship at all. Towards sundown he decided he would go and see what it was. Mr. Hutchinson begged him not to think of going, and so did I; but he got two pieces of plank from the lumber pile, nailed cross pieces, selected a piece of a paddle (?) tied into an iron stanchion, and launched his raft. He now entreated Mr. Hutchinson to untie or cut the string when he had got

on the raft, but he, instead, tried to dissuade him from the attempt. He was sure he could bring us assistance. Seeing we had no influence, I turned to his wife and said: "Why do you not entreat your husband not to go?" "Because it is no use, when he sets his mind on anything." He now talked so hopefully of his plan that Mr. Hutchinson loosed the raft, and I felt for the moment some sympathy in the project. When I spoke of the danger, he said: "I lived near the coast when a boy, and have made little rafts and paddled out in the water often." He used the paddle, first on one side and then on the other, till he was lost to sight. Poor fellow! He was never heard of afterwards!

This affair had diverted my attention from Thomas. He had been drowsy all day, and I once thought him asleep in my lap. As Charles and I sat again in the seat, now the only one, and without a back to support us, I was startled by a groan from Thomas. I called him. He did not reply. I leaned over, and pressed him too heavily. "You hurt me!" I looked at his hands, and the nails were blue. I was now alarmed. I chafed his hands, but the blood would not circulate. He was now unconscious. It did no good, and I was in despair. I knew he was dying, and my distress was great. He never spoke again. Charles was quietly seated by my side. He suddenly started to his feet, pointing to the water beyond us, crying out in great excitement: "See, Aunt Rebecca, Boatswain is drowning!" Boatswain was his dog, at home. He moved two or three steps, and fell. Mr. Hutchinson was sitting near us, and only Mrs. Smith between us. I called to him to pick Charles up, which he did, and seated him by me. This vision of his dog drowning was repeated, and each time I called for Mr. Hutchinson to pick him up, alarmed lest he should drown before he reached him. At last, Charles became totally unconscious, but retained his sitting position, perfectly quiet. Thomas, dear little boy, began to writhe in the death struggle. I managed to keep him on my knees, but now his feet would twist off my lap, and fall in the water. I would gather them up, replace them, and soon they were in the water again. I

cried and lamented, but neither of the boys heard me. Now and then a groan would escape him. That he was dying was now my sole thought. Charles was still, and I had no thought for him. It was the dying child now that occupied my attention. How many times I replaced him in my lap would seem incredible. Each time it became more difficult. At last his stiffened limbs were in the water, and I had no longer the power to lift them up to my lap. I was almost horrified. My distress was unspeakable. I still had my senses, and I was not concerned for myself, but for the dying boy. Again I called frantically for Mr. Hutchinson for assistance. He always came to my relief. I still could hold him when placed in my lap; but now I grew so weak that the weight in my arms became an intolerable burden. I felt a strong desire to throw it down. The next groan would recall my senses, my affection, my sympathy, my remorse for my heartlessness which I bewailed in lamentations.

Thus the greater part of the night passed. The last remembrance was my calling to Mr. Hutchinson, to see if he was dead. I never knew how he responded to my call, for with it I became unconscious, and remained so till dawn, when I awoke in delirium, imagining myself at Montgomery, where I spent a day with some friends, previous to my leaving Savannah. I was horrified at the dead bodies I discovered. None of them I recognized. Charles was forgotten. I turned to Mr. Hutchinson and Mrs. Smith, to know when the carriage would come to take us to Savannah. They answered: "Soon." I called them by the names of the friends who had taken me to Montgomery. For the first time I thought of my appearance. I saw my bare feet and night gown and torn dressing wrapper, and almost cried with shame, exclaiming: "How can I go to Savannah so? I am not dressed!" I tried to fold the calico skirt over my night gown, half crying because I could not accomplish the purpose, as several breadths were wanting, which had been torn off in squares to cover the heads of the children during the day—keeping them wet to prevent thirst, and to keep their heads cool. At night

they would be lost, and my gown supplied others, till it was reduced to one width. How it looked!—had never been thought of until I was delirious. I would bewail my condition, until turning, I would again see the dead bodies, be stricken with terror, and cry out for the carriage. This continued until, exhausted, I relapsed to unconsciousness, from which I was awakened by Mrs. Smith, shaking me by the arm, saying: "Look there!" Pointing to an object. I saw a vessel, her sails spread and filled, her hull painted black, and a dazzling sun shining on her canvas. I exclaimed: "Oh, how beautiful! Oh, how beautiful!! Oh, how beautiful!!!" And relapsed into unconsciousness. To me she was only a thing of beauty. It was the schooner "Henry Cameron," from Philadelphia, Pa., bound to Wilmington, Captain Eli Davis commander. All the living were taken on board. I can recall nothing that transpired, save the beauty of the ship, till late in the afternoon. I found myself on a locker in the cabin, a table in the middle, at which a gentleman sat, looking at me. I recognized him immediately, although I had not seen him for years. I said: "Mr. Greenwood, where are we?" He came to me in surprise that I should recognize him. He told me we were now going to Wilmington. I said: "Why not to Charleston?" "Why do you wish to go to Charleston?" he said. "Because my brother said he would go there, and I would like to be with him." I then asked for Charles. "He is in the berth beside you." I looked and saw him, still unconscious; but I was satisfied to know he was near. I then asked for Thomas. He said he "did not know." I then became anxious. I said there was a smaller boy—"What has become of him?" and as if in vision I saw a little form lying at my feet in the water on the wreck. I knew he was dead and left. I then inquired for Mr. and Mrs. D. Mr. Hutchinson and Mrs. Smith put their heads from berths opposite, and I knew them in their own characters and by their proper names. I was no longer delirious, and Mr. Greenwood asked me if I did not wish some water, which I thought delicious, and asked for more. He did not like to refuse and, afraid to give more, he left the cabin.

Another gentleman came whom I did not know personally, but by character. He introduced himself—told me that Captain Pearson, the sailing master of the "Pulaski," twenty-three (23) persons in all, were on the deck of the bow—that the Captain noticed, as they drifted, as did Mr. Smith, something that maintained its relative position till they lost sight of it at night. He was so impressed with the notion that it was another portion of the wreck with people on it, that he communicated what he had seen to Captain Davis, and begged him to look for us. He complied with the request, but was unsuccessful in his search. Captain Pearson again entreated him to look, and, after tacking about, put on his course. The importunate Captain solicited him the third time, and was successful in finding us, to the great satisfaction of all, but especially of the kind-hearted old Captain Pearson. My informant said Captain Davis knelt on his deck, and rendered thanks to God for the lives of so many. When I was lifted on board by two men, their hands under my arms, my feet trailed along the deck without an effort to step—totally unconscious. My wet garments were taken off, woolen clothes put on me, and I was laid upon the locker, where I was lying.

I never knew at what hour in the day we were rescued; but I remember the sun shone on the sails, coloring them white as snow to my eyes—a beautiful picture that I now can recall to memory in all its beauty! Two little boats had been filled almost immediately after the explosion occurred. They put off to a distance, and waited till the steamer broke in pieces, and the machinery disappeared. Believing all was lost except themselves, they hurried to land, and reached the coast of North Carolina on Friday afternoon—one commanded by James Hamilton Coper, the other by Hibbert, Mate of the "Pulaski." The report of the disaster reached Charleston and Wilmington on Saturday and Sunday.

The wreck of the "Pulaski" occasioned universal sorrow throughout the United States. Almost every section of the country was represented on that fatal boat, occa-

sioning greater distress than ever before or since—coming before the telegraph had inured us to occurrences so common as to lessen at least the sympathy of people generally. Nothing of the six men that left us in the boat had been heard from till Tuesday, when a messenger reached Wilmington, stating that six men had landed on the beach forty (40) miles above, on Saturday. They now wanted conveyances to bring them to Wilmington. This news spread immediately among the inhabitants, so that at the appearance of the "Henry Cameron" in the offing nearly the whole male population were assembled on the wharf to learn what tidings she brought from the sea. When so many sufferers were found aboard, the sympathies of the people were manifested in every possible way. Doors were thrown open to all, and universal kindness prevailed in the community. All wished to do something for us—even children desired to be of use to the sufferers. The vessel ceased to move, and we heard the tramp of many feet on deck. Two maids next appeared with band-boxes, in the cabin, with clothes for the ladies. Instantly I slid from the locker, without assistance, and stood on the floor unsupported, till my sailor suit was dropped, and the maid dressed me in those she brought. A cloak was thrown around me; Mrs. Smith was waited on at the same time, and the maids announced our readiness to be taken ashore. I asked where I was to be taken, and asked to have Charles taken to the same house. The gentlemen made a seat with their hands, and I sat thereon, and put my hands on their shoulders, and thus was conveyed to the carriage. Mrs. Smith came next, and the two gentlemen sat on the front seat, and I think they were physicians. But finding me standing and unsupported, and not knowing I had only an hour before awakened from delirium and stupor of many hours, I rode some distance unsupported, except by the back of the carriage. We drove very slowly, and it seemed to me a long way. At one moment I could see the houses and gardens we were passing; then it was for minutes as black as darkness could be, and then houses would appear. At last we reached the house, and I was taken and brought up a flight of

steps to the second story. But it seemed to me I was being carried up several flights—the steps, so numerous did they appear to my distorted fancy! It was now night; the room was bright with light. They laid me on a large bed. Never before had I experienced such a sensation. It was perfect rest and blissfulness. A number of ladies were present, and hovering around my bed. They seemed almost angelic. The room and all it contained seemed very elegant—and such kindness! It was like Heaven! Not a thought to mar the blissfulness of those moments. My eyes were nearly shut, as the lights were bright. Dr. DeRosset called to a lady to have some arrow-root prepared quickly. She said: “Cold, or hot?” Before he replied, I said “Cold, if you please.” The company was startled to hear me speak. After all, I was not far wrong in supposing it was like Heaven; for it was the most Christian house that I ever entered. The doctor was an old man, with silver hair, kind face, gentle voice and manner. His attention, after feeling my pulse, was directed to my feet. They had been bruised by floating pieces of plank on the wreck. In some places, the skin was broken, and irritated by the salt water. They were now swollen to an unusual size, and almost purple in color.

It may be surprising to some when I say I was almost wholly unconscious of the condition of my feet. Even when my feet were being dressed, I experienced no pain; for the blissful repose of the body and limbs left no room for another sensation. The arrow-root was brought—the first food I had tasted after leaving Charleston. I cannot recall tasting food at sea. At last I remembered to inquire for Charles, and was told he was in the next room, and was satisfied to know he was near. I was too far spent to feel anxiety. Afterwards I learned that the physicians watched him through the night, fearing he would die. He was better next morning, and on Thursday considered out of danger, but still in bed. That afternoon his father reached Wilmington. I will not attempt to describe our meeting. Afterwards I learned some particulars of his experience in the little boat

and making land. The six men who left us to procure assistance saw land that same afternoon. They made for the shore, the boat was upset in the breakers and each man had to swim for his life. My brother told me he would never have reached land had it not been for the buoyancy of the pillow tied around his waist. It was late when they reached the shore, where they remained, lying on the beach to rest for an hour. It was near an inlet, where there were small craft; but the captains said they could not go to sea unless wind and tide both suited. These both were adverse. His strength was so wasted that he had to go to bed; but he hired a man to ride express to Wilmington. About noon the man appeared before him. He was greatly shocked and inquired why he had betrayed his confidence. He said the captains advised him not to ride through the storm, endangering his life to no purpose; that the wreck had been destroyed by the storm; that nothing so frail could have lived in such weather. The captains acknowledged the advice they had given, and convinced my brother. He even mourned us as dead, and his grief was increased by regret that he had not shared our fate and died with us. He hired men to watch upon the beach to recover bodies, if floated ashore. He was sick in bed and with a painful cut upon his foot by broken glass upon the steamer deck. He had prayed for self and us; but now he feared his prayers had been an abomination to a holy God. Till the carriages came he had nothing to console him. He was assured of my safety and that of the two boys. He naturally concluded they were both his, and his spirits revived again to be again bereaved that Thomas had died upon the wreck. The other little boy besides Charles was the son of Major Twiggs, of Augusta, rescued from the piece of wreck first discovered—(Charles?) fortunately was considered out of danger, and out of bed, at the end of the week. He had had such devoted attention from physicians and nurses, and being naturally of a strong constitution, he quickly recovered.

Two brothers and a brother-in-law came to my brother in his calamity. They persuaded Charles, and

urged my brother, to let him go with them to Augusta. He gave a reluctant consent, and was miserable when Charles was gone. He feared some harm might befall him, now his only child. Bereaved of his wife and six children, and this anxiety added, seemed more than he could endure. With the most devoted attention from the doctor, his daughters, and their friends, I was unable to sit up in bed. The fever had gone, but I was myself a wreck. I prayed to go to Charleston, but he would not leave me. I then resolved to go, though importuned by the doctor and his family to remain longer. We went by steamer to Charleston, and found a compartment of a car fitted up with bedding and pillows for my accommodation. The doctor sent a kind old servant with me to Charleston, and I was there met by a private servant, sent by my brother George. She was the nurse of his children, known as Aunt Hannah, one of the most devoted and affectionate I ever knew. She was waiting on the wharf when the boat arrived and it had scarcely stopped before she was in the cabin, and had me in her arms, embracing me in the most affectionate manner, bewailing, at the same time, my condition. At the depot I was met by my brother with his carriage, similarly fitted up as the car at Charleston, and thus I reached my home at Augusta.

The captain's idea of the wreck was entirely wrong, as events proved. Her lightness was her safety. It was a frail thing to look at in a storm, but she offered no resistance to the waves; nothing to strike against, as the billows came, the wreck would rise gradually and surmount the swell of the sea. Then only half of the wave passed over us, and by clinging together that was resisted, showing that some times there is strength in weakness. On the portion of the wreck with Capt. Pearson, the sailing master, were twenty-three men, and a boy ten years old. A gentleman from Mobile was killed by the falling of a mast. They had no food, no water, and no means to catch the rain as it fell. Capt. Davis Dubois was never seen after the explosion. On our portion rescued the twenty-two (22) men and the little boy. Captain

of the wreck we had twenty-three (23) persons—three (3) children, six (6) women, and fourteen (14) men. During the rain, bottles were held under a corner of a little sail and quickly filled, and then passed from hand to hand until we were satisfied to nausea. To the drinking of salt water has been attributed delirium and the death of so many that perished. Four were lost overboard, four died on the wreck, one left on a raft and perished. Seven were rescued by Capt. Davis; six went ashore for assistance. The two boats that left the "Pulaski" and carried news of the disaster reached the shore, one with twelve, the other with five persons. One under the control of Mr. J. H. Couper, of Georgia, contained twelve persons, all of whom reached the shore in safety; the other in charge of Mr. Wills (should be Hibbert) contained eleven (11) persons, of whom five reached the shore, one, a scalded fireman, died in the boat and was thrown overboard before reaching the breakers, and five perished in the breakers. Judge Rochester, of New York, Mr. Baker, of Georgia, two negro women and, another scalded fireman, Lieutenant Thornton, U. S. A., and another gentleman, together reached the shore on a small piece of wreck. So far as I have ascertained there were 131 passengers—54 saved in all; 77 lost.

EDITOR'S NOTES.

Members of the Georgia Historical Society, and other readers of the Quarterly, will doubtless be pleased to learn that Mr. Alexander R. Lawton, the Society's worthy President and Chairman of the Managing Committee of the Telfair Academy of Arts and Sciences, who has been a member of the Board of Directors of the American Federation of Arts for some time, was, at a meeting of that body, in May last, elected a Vice-President of the Federation. The official organ of the Federation is the *American Magazine of Art*.

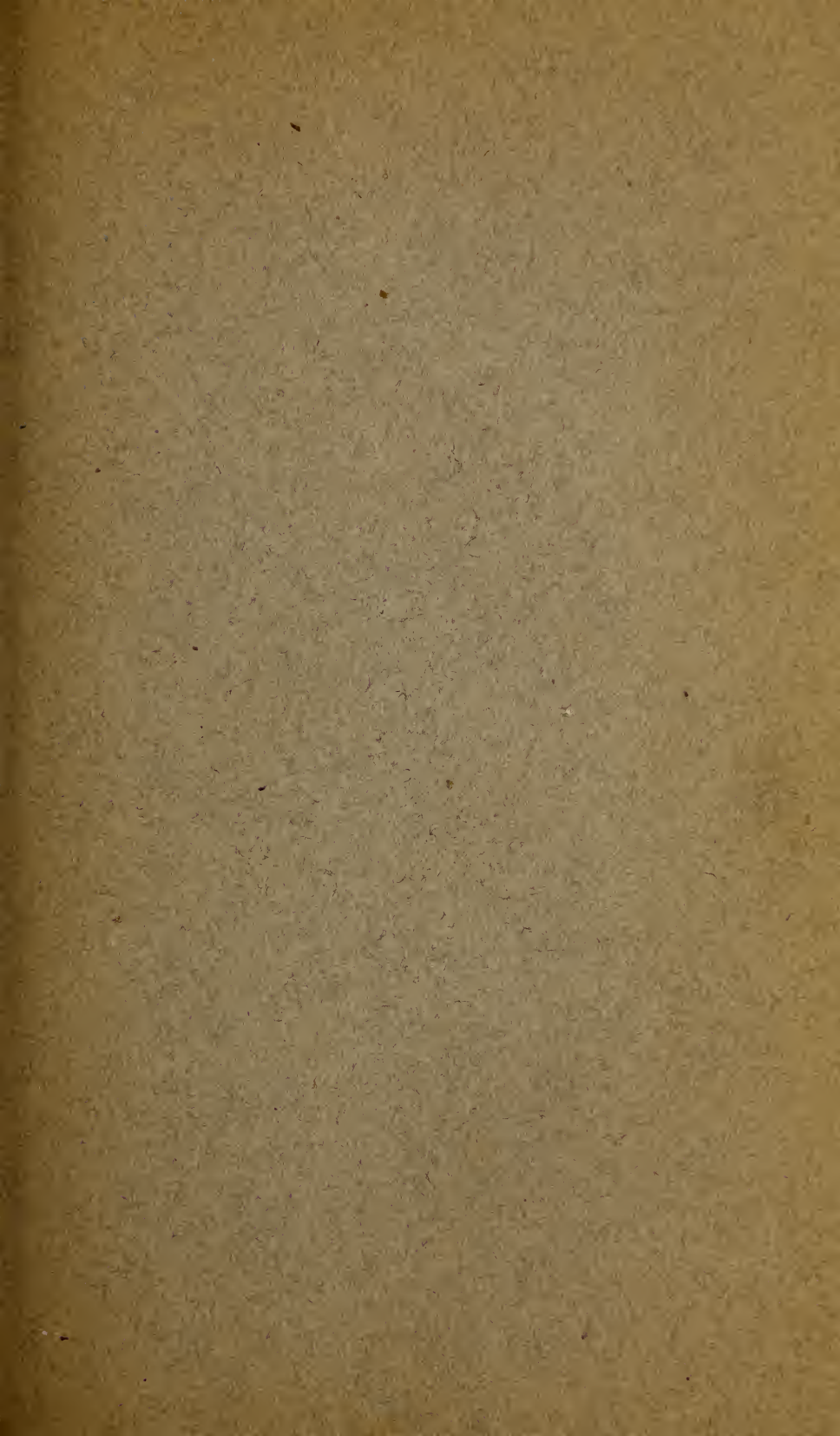
Mr. George J. Baldwin, one of our active members for a long time, and for some years one of the Board of Curators, now residing in New York, has just given to our Library a copy (number 114 of a limited edition of 131 copies) of "The Alexander Letters," printed in costly style at his own expense. The letters were written by members of the Alexander family, ranging from the year 1787 to the year 1900, and contain matter of interest historical and otherwise, and the book is a valuable addition to the Library.

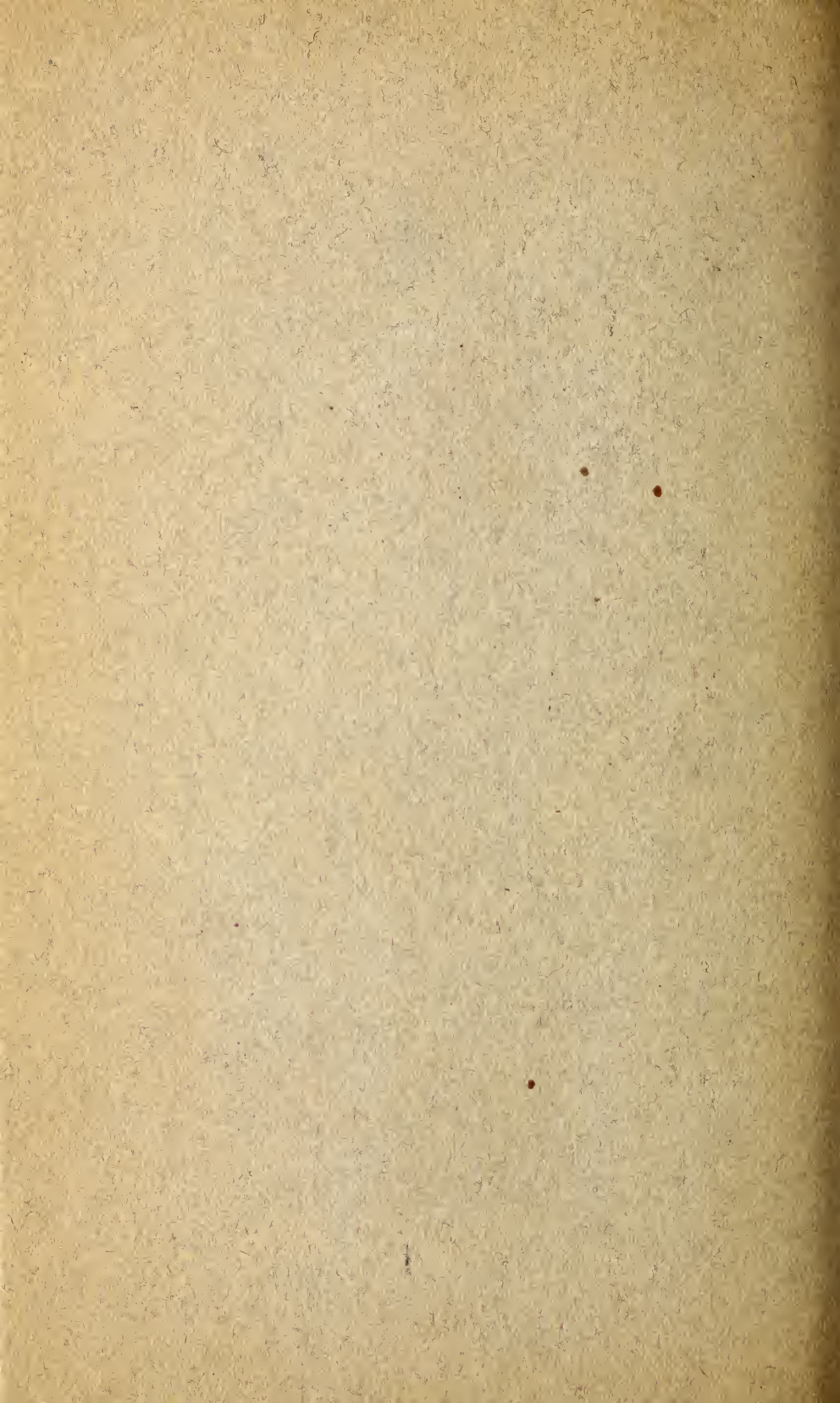
During the celebration of the one hundredth anniversary of the crossing of the Atlantic by the steamship *Savannah*, copies of Pulaski's banner and the flag which floated at the mast of the boat on which Lafayette was entertained while on his visit to Savannah in 1825 were exhibited in the city. The copies were painted by Mrs. E. P. Noyes, a talented member of the Georgia Historical Society, who has since presented them to the Society, and they are now displayed in a show-case in the Library. Mrs. Noyes is a descendant of General John Floyd.

Another descendant of General Floyd, Mrs. R. F. O'Neale, of New York, sister of Hon. Wm. G. McAdoo, has presented to our Society the following articles of historical interest, and worthy of preservation:

1. Epaulets of General John Floyd.
 2. Piece of wool from wheel of a caisson captured from the Federals in the first battle of Manassas.
 3. Tobacco pipe made from the last remains of the "Alamo."
 4. Piece of a grape-shot picked up on battlefield of Waterloo by C. Floyd in 1821.
 5. Old wooden match box of the kind first made.
 6. Piece of wood taken from the deck of the "Victoria" in 1805, by Captain Navin, 96th Regt. B. I.
 7. Piece of pottery and 4 Indian arrow-heads found in Okefinokee Swamp by General Charles Floyd, whose troops were the first to penetrate the Swamp.
 8. Wood from Melrose Abbey, August 2, 1806.
 9. Cap-plate, etc., of Garde Imperiale Grenadiers, Waterloo (3 pieces).
 10. Piece of tessellated pavement of ancient Carthage.
 11. Piece of wood from house in which Columbus was born, Genoa.
 12. Piece of rock from St. Michael's Cave, Gibraltar.
 13. Two pieces of mosaic from Mosque of St. Sophia, Constantinople.
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Mr. J. Florance Minis, of the Board of Curators of the Georgia Historical Society, has presented to the Society a walking-cane which has an interesting history. The cane is made of a piece of live oak from the frigate "Constitution," and was owned and used by Commodore Josiah Tattnall who, at Pei Ho, used the now famous words "Blood is thicker than water." Mr. Minis received the cane as a gift from Captain John R. F. Tattnall, son of the Commodore.





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ONE DOLLAR A NUMBER

THREE DOLLARS A YEAR

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The Decision of Judge John Erskine

In The Case Ex Parte William Law, Under
The "Attorney's Test Oath Act"

In the very beginning of the reconstruction period, after the War of Secession, among the measures adopted looking to the complete humiliation of the Southern people was a law requiring that all lawyers seeking to practice their profession in the United States Courts must first take an oath known as "The Attorney's Test Oath."

At the May term, 1866, of the United States District Court for the Southern District of Georgia, Judge John Erskine presiding, the Honorable William Law, perhaps at that time the oldest member of the bar in the State, applied to the Court for permission to practice, claiming that the law requiring an oath, which he could not conscientiously take, was unconstitutional. The decision of Judge Erskine, in favor of Judge Law, is here given as an important part of the history of that gloomy period.

On the 14th day of May, 1885, at a meeting of the Savannah bar, in the United States Court Room, when a portrait of Judge Erskine (who had reached the age of seventy years, and was retiring from the bench) was presented to the Court, among the speakers was the late Honorable George A. Mercer, who referred to the decision in the case of Judge Law in the following words:

"One of the earliest and most important questions which came before Judge Erskine for decision involved the right of lawyers to practice their profession without first taking

an oath, which those of us who had been faithful to our State and the dictates of our conscience found it impossible to take.

"Judge Erskine, in a learned and able opinion, held that the retrospective portions of the oath required to be taken by attorneys, under the Act of Congress generally known as the 'Attorney's Test Oath Act,' was an *ex post facto* law, and was also substantially, and by its inherent force, a bill of pains and penalties, having the character of a bill of attainder, except the death penalty; and, consequently, was repugnant to the Constitution of the United States prohibiting the passage of such bills.

"Had Judge Erskine made no other decision, the bar of Georgia became his lasting debtor for this."

EDITOR.

United States District Court Southern District of Georgia

At Savannah, May Term, 1866.

In the matter of the Oath to be taken by Attorneys and Counsellors of the National Courts, under the Act of Congress of January 24th, 1865.

Ex parte, William Law, Petitioner.

ERSKINE, J. William Law, Esquire, produced in Court satisfactory proof that in the year 1817, he was, by the Circuit, and District Courts of the United States, for the District of Georgia, duly admitted to practice as an attorney, proctor, solicitor, advocate and counsellor at the bar of said Courts, respectively; that he has been since the year 1859 hitherto, attorney or proctor of record in the case of *Finigan et al. vs. The Ship Parliament*—a cause now depending on the Admiralty side of this Court; that he has taken the oath of Amnesty; that upon the promulgation by the President of the United

States of the Proclamation of May 29, 1865, he found himself within its thirteenth exception; that he applied to the President for pardon and amnesty under this Proclamation; and that he received a grant of pardon and amnesty, and accepted the same, and has filed in the office of the Clerk of this Court an authenticated copy of said acceptance.

Upon these proofs, Mr. Law asked to be allowed to appear and be heard in behalf of his clients in said cause, without being first required to take and subscribe the oath prescribed by the Act of Congress, approved January 24, 1865. The petitioner was informed by the Court that this law of Congress was imperative, and could not be pretermitted. Thereupon he submitted to the Court, that the statute was repugnant to the Constitution of the United States, and requested permission to show cause against it. This was granted, and during the early part of this term the case was fully and ably argued by the Petitioner, *propria persona*, by *Ex-Gov. Joseph E. Brown*, of the Northern District, and *Thomas E. Lloyd, Esquire*, of Savannah. The reply on behalf of the Government by *Henry S. Fitch, Esquire*, United States Attorney, to the arguments of these learned counsel, was replete with originality and legal scholarship.

Prefatory to entering upon the examination of the various questions regularly discussed, so much of the original Act of Congress of July 2, 1862, and its supplement of January 24, 1865, as is thought essential to an easier comprehending of the grave and important inquiries now before the Court, may be cited. The original act is entitled "An act to prescribe an oath of office, and for other purposes." It enacts that, "Hereafter every person elected or appointed to any office of honor or profit under the Government of the United States, either in civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation:

"I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encourage-

ment to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

And the supplementary Act provides: "That no person after the date of this Act shall be admitted to the bar of the Supreme Court of the United States, or at any time after the fourth of March next, shall be admitted to the bar of any Circuit or District Court of the United States, or the Court of Claims, as an attorney or counsellor of such Court, or shall be allowed to appear and be heard in any such Court, by virtue of any previous admission, or any special power of attorney, unless he shall have first taken and subscribed the oath prescribed, in 'An act to prescribe an oath of office and for other purposes, approved July 2, 1862,' according to the form and in the manner in said act provided," etc.

The point having been made, whether an attorney, or counsellor at law, as such, holds a public office or place, or is to be regarded as a mere officer of the court,—and there being a diversity of opinion among learned judges on this point,—it is proper that the views of this Court should be expressed. In LORD COKE's time, and prior thereto, an attorney—but not so a counsellor—was, it seems, considered a public officer; for he says: "That in an action of debt by an attorney for his fees, the defendant shall not wage his law, because he is compellable to be his attorney." Co. Litt. 295 *a*. Afterwards, however, LORD HOLT (1 Sal., 87) held, that he was not compellable to appear for any one, unless he takes his fee, or backs the warrant; and so the law has continued in England to this day. In the following cases: *In the matter of Wood*, Hopk. 6; *Seymour v. Ellison*, 2 Cow., 13; *Merritt v. Lambert*, 10 Paige, 352; *Ray v. Birdseye*, 5 Denio, 619; and *Watts v. Whittemore*, 22 Barb. 246, practitioners of the law are said to be public officers; but in the first mentioned case only was the question up for decision. In the *Adm'rs of Byrne v.*

Adm'rs of Stewart, 3 Dess., 456; *Leigh's case*, 1 Mumf., 458; *In the matter of the oaths to be taken by attorneys and counsellors*, 20 Johns., 492; *Richardson v. Brooklyn City and Newtown R. R.*, 22 How., P. R. 368; and *Cohen v. Wright*, 22 Cal., 293, they are held not to be public officers. And it was remarked by PLATT, J., in 20 Johns., 493: "As attorneys and counsellors they perform no public duties on behalf of the government; they execute no public trust."

Having collated and well considered these state authorities, I am of the opinion that the law is with the negative of the question. Nor do I think that Congress—and it is the intention of the National Legislature, as found in the statute that guides this Court—considered them public officers. In article one section six, cl. two of the Constitution, it is declared, that "no person holding any office under the United States shall be a member of either house during his continuance in office." Has it ever been seriously questioned that practicing as an attorney or counsellor in the Federal Courts is inconsistent with holding, at the same time, the office of Senator or Representative in Congress? Neither was there any statutory prohibition to practicing in any of the United States Courts until the passage of the Act of Congress, approved March 3, 1863, and the inhibition is confined to the *Court of Claims*, 12 Stats. at Large, 765. See also, *Amendment to Rule II of Supreme Court United States*, 2 Wall vii.

Two questions—each of importance in the investigation of this case—spring from the preceding conclusion: Whether this Court in admitting Mr. Law to its bar acted judicially, or ministerially? And whether, if his admission was a judicial act, it gave him a property in his profession or office of attorney and counsellor?

The Constitution ordains that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as Congress may from time to time ordain and establish." Art. iii, sect. i. Accordingly, at the first session of Congress, an Act was passed "to establish the judicial Courts of the United States." The additional courts established by it are the Circuit and District Courts; and notwith-

standing these Courts are denominated inferior Courts, they are not so considered in the technical use of that term. 4 Dall., 11; 5 Cranch, 135; 8 How., 586. The District Courts of the United States, under their own proper powers, are Courts of law and admiralty. The distinctive grades in the legal profession which prevail in England, and to a limited extent in some of the courts in this country, have no substantial recognition in the Circuit or District Courts of the United States; in these the offices of attorney, proctor, advocate and counsellor are combined in one person. The 35th section of the judiciary Act of 1789 declares "that in all the Courts of the United States, the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law, as by the rules of said Courts respectively, shall be permitted to manage and conduct causes therein."

Directly bearing upon the first of these questions is the case of *The Commonwealth ex rel., etc., of Breckenridge v. The Judges of the Court of Common Pleas of Cumberland County*, 1 S. & R., 187. A motion was made for a mandamus to be directed to the judges of that court, commanding them to proceed to the examination of the relator, and if found competent to *admit* him to practice in that court, as an attorney, etc. TILGHMAN, C. J. said "If it becomes a question whether the rules have been complied with, the court must decide. Can this be a ministerial act? or rather can anything be more decidedly judicial? The right of Mr. Breckenridge has been judicially decided; and if he is left without remedy by appeal, he is but in the situation of many other persons who have important interests decided in the court of common pleas; for many points of great importance are decided on motion, in which neither appeal nor writ of error lies." And on p. 195, YEATES, J., says "In the admission of an attorney the court acts judicially not ministerially." The mandamus was denied.

The case of *McLaughlin v. The District Court*, 5 W. & S. 272, was a motion for a rule to show cause why a mandamus should not issue to the district court, commanding it to *restore* the relator. ROGERS, J., announcing the opinion of the court, says: "It is ruled in *The Commonwealth ex rel., &c., v. The*

Judges of the Court of Common Pleas, 1 S. & R. 187, that the admission of an attorney by a Court of Common Pleas is a judicial and not a ministerial act, and for that reason not the subject of a mandamus. That case is an authority directly adverse to the present application; in principle there is no conceivable distinction between them. If the admission of an attorney to the bar be a judicial act, by parity of reasoning his dismissal must be judicial also."

In the matter of the application of Henry Cooper, 8 Smith, 67, the first Head Note is in these words: "In the admission of attorneys and counsellors the supreme court acts judicially. The function is not of an executive character." SELDON, J., in delivering the opinion of the court, referring to *ex parte Secombe*, 19 How., 13 and to other cases, says: "If the removal or suspension of an attorney be, as was held in these cases, a judicial act, it is difficult to see how the admission of an attorney is any the less so; especially when, as here, the court in the act of admission is required to pass, not only upon the sufficiency of the evidence of certain facts, but upon the constitutionality and validity of a statute, and thus to exercise the highest judicial functions ever entrusted to a court."

The case of *Secombe* was briefly as follows: The supreme court of the Territory of Minnesota was empowered by a Territorial statute to remove any attorney for wilful misconduct. Under this law Mr. Secombe was removed; and the order for removal set forth the cause. He presented a petition to the Justices of the Supreme Court of the United States, praying a mandamus to the supreme court of the Territory, commanding it to vacate the order. The prayer was denied. And Chief Justice TANEY, in giving the unanimous opinion of the Court, says: "The removal of the relator, therefore, for the cause above mentioned, was the act of the Court done in the exercise of a judicial discretion, which the law authorized and required it to exercise." And on page 15, he remarks: "The Court, it seems, were of opinion that no notice was necessary, and proceeded without; and, whether this decision was erroneous or not, yet it was made in the exercise of judicial authority, where the subject-matter was within their jurisdic-

tion, and it cannot therefore be revised and annulled in this form of proceeding." See also *ex parte Burr*. 9, Wheat., 529.

The authorities, from which these quotations are taken, are in themselves sufficient and conclusive to show, not only that the admission of an attorney, or counsellor, but likewise his suspension, or disbarment, is a judicial act or judgment. The admission of an attorney, or counsellor, where no fraud has been practiced on the Court, gives him the office for life. This privilege, franchise, or right to practice in the Court, has annexed to it the condition that his character shall continue fair, and that he will not abuse his office by criminal or immoral conduct. As an attorney, or counsellor, in my judgment, does not hold a public office or place, there is no forfeiture for non-user:—for if he chooses to practice his profession, he may do so; if not, not: he may withdraw from the practice and resume it at pleasure; he may be raised to the Bench, and return to the bar again—as was the petitioner himself, and where, from 1829 to 1835, in our highest State judicial tribunal, he presided with great learning and honor. *Vide, In the matter of Dormenon*, 1 Mar. 129. Carthew, 478.

The second question is, whether the petitioner, by virtue of his admission to the bar of this Court, has a property in his profession or office? The case of *The Adm'rs of Byrne v. The Adm'rs of Stewart* arose on a statute which inhibited persons holding certain offices under the state from practicing in the courts. The chancellor, in his opinion, remarks: "But the objection of most weight is, that this act, as it affects the defendant, will deprive him of a right which may fairly be considered a species of property. It cannot be denied that a man's trade or profession is his property, and if any law should be passed avowedly for the purpose of restraining any member of the bar, who is not a public officer, from exercising his profession, I should declare such law void." In 20 Johns. R. 492, the court says, that attorneys and counsellors "exercise a privilege or franchise." And ORMOND, J., in the case of *Dorsey, supra*, in speaking of the right to practice law, asks: "Can it be seriously contended that it is not a valuable right, and as deserving of protection as property?"

In the matter of John Baxter, decided at the May Term 1865, of the Circuit Court of the United States for the Eastern District of Tennessee, TRIGG, J., in an able opinion, construing the Act of Congress of January 24, 1865, says: "For if he" (the attorney) "neglects or refuses to take the prescribed oath he is effectually deprived of his office and the fees and emoluments thereof, as he could be by a forfeiture of the same upon a regular trial and conviction by *due process of law*, for the offences mentioned. These fees and emoluments," continues the judge, "are as much the *property* of the attorney as any choses in action can, in law, be the property of any other citizen; and, being property, the law in question, to the extent mentioned, punishes the attorney by a *forfeiture* of his property." OPINION OF THE HONORABLE CONNALLY F. TRIGG. Pamph. p. 10. Memphis, Tenn., 1865. This case and *Cohen v. Wright*, are the only reported cases that I have seen, in which this question came regularly before a court. In *Cohen v. Wright*, the court, CROCKER, J., delivering the opinion—in which NORTON, J., specially concurred—say: "The right to practice law is valuable to the possessor only. It cannot descend or be inherited, bought or sold, conveyed or transferred, can be divested and destroyed by mere order of the court, is subject to forfeiture by mere loss of moral character on the part of the possessor, and cannot, therefore, in any proper sense be deemed 'property,' or amount to a 'contract' in the Constitutional meaning of those terms." But the court in approaching this conclusion, say: "If the right of the attorney to practice law is property, within the clear intent and meaning of the constitution, there is much force in the position that the statute by depriving him of the right, without a judicial investigation, such as is usual in cases of that kind, violates this provision. Still it is not so clear as to be beyond a doubt, for it can hardly be said that he is 'deprived' of any thing when the law leaves it open to him to resume his privileges at any time by taking the oath, a failure to which is his own fault."—In another part of this opinion this oath will be transcribed and referred to.

Comparing the ruling of the United States Circuit Court, on this point, with that of the supreme court of California, it will be seen that the views of these Courts are opposed: at least there is some diversity of opinion. The former Court shows that an illegal result follows, by reason of the Act of Congress depriving the attorney of his office.—In other words, if the attorney will not, or can not take the oath, the statute itself deprives him of the fees and emoluments becoming due to him while in possession of his office under the sanction of the Court. The latter Court—if my interpretation is not erroneous—holds that no unlawful consequence follows, because the attorney has no property in his office, in the constitutional sense of that term. That an attorney, or counsellor, has a property in his fees and emoluments by the common, or statutory law, or by contract express or implied with his client, and legal modes of recovering the same, is well established. 1 Bal. Ab. *Attorney* (F.) 2 Gr. on Ev. sec. 139: 14 Geo. 87.

The first division of the last clause of the fifth article of the Amendment to the Constitution of the United States ordains that no person shall “be deprived of life, liberty, or property without due process of law.” This declaration exhibits a summary of all the antecedent precautions contained in this article, and it places property in the same category with the more exalted blessings of life and liberty. Where property is possessed or owned by a person under existing laws, or where he has secured to him, by judicial authority (as in the case of an attorney or counsellor) the right or privilege to acquire and own property by his professional skill and industry—supposing this right or privilege, or future acquisition and ownership is, under this provision of the Constitution, property, (and, therefore, equally protected with property over which the owner has prehensible power), then he cannot be deprived of the property, nor the right, privilege, or franchise mentioned be extinguished, by the declaration of Congress, *per se*; and if he has forfeited either, the facts must be ascertained by due process of law, before the judicial tribunals of the country. *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How. 272.

Whether, when an attorney or counsellor is, by the Court regularly licensed and admitted to practice law, this bestows upon him a property in his profession or office, is a question so interwoven with nice distinctions, that it is far from being easily resolved; but the present inclination of my mind is that it is not property, in the sense and import of that word or term as used in the Constitution; still, it is a right, privilege, or species of franchise under the immediate sanction and protection of the Court. I do not, however, entertain the remotest doubt of the power of Congress acting within the limits of its Constitutional authority, to prescribe by law who may be attorneys or counsellors of the National Courts, their qualifications, mode of admission, suspension and disbarment.

SELDON, J., in *Wynehamer v. The People*. 3 Ker., 433, gives the following definition of property: "Property is the right of any person to possess, use, enjoy and dispose of a thing. The term, although frequently applied to the thing itself, in strictness means only the rights in relation to it, (*Bouvier's Law Dic.*; 1 *Bla. Com.*, 138; *Webster's Dic.*)" And, indeed, after a most careful examination of all the authorities within my reach, I have failed to discover a definition of property stripped of the attributes of enjoyment and alienation. *Grotius*—Book 2, ch. 6, sec. 1, says: The exclusive right of using and transferring property follows as a natural consequence from the perception and admission of the right itself.

The petitioner having brought into Court a charter of free pardon and amnesty granted to him by the President of the United States, and filed with the Clerk an authenticated copy of his acceptance of the same, urged that this act of Executive clemency relieves him from being required, before he can appear and be heard as an attorney or counsellor in this Court, to take and subscribe the oath prescribed by the Act of January 23, 1865, because, as he says, this pardon and amnesty has restored him to all the rights subject to forfeiture by reason of his having "voluntarily participated in the rebellion." The Constitution (Art. ii. sec. ii, cl. 1), affirmatively vests in the President of the United States, the sole power to grant reprieves and pardons, except in cases of

impeachment. And the very nature and necessity of such an authority in every government, arises from the infirmities incident to the administration of human justice.

In *ex parte Wells*, 18 How., 307, Mr. Justice WAYNE, in delivering the opinion of the Supreme Court of the United States, makes use of the following language: "Without such a power of clemency, to be exercised by some department or functionary of a government, it would be most imperfect and deficient in its political morality, and in the attributes of deity, whose judgments are always tempered with mercy." Mr. SPEED, Attorney-General of the United States, in his Opinion of May 1, 1865, elucidates in a masterly manner, the Constitutional power of the President to grant pardon and amnesty. And in defining these terms, he says: "A pardon is a remission of guilt; an amnesty is an act of oblivion or forgetfulness. They are acts of sovereign mercy and grace, flowing from the appropriate organ of the Government.—There can be no pardon where there is no actual or imputed guilt.—The acceptance of a pardon is the confession of guilt, or of the existence of a state of facts from which a judgment of guilt would follow." In a subsequent part of the Opinion he remarks: "After a pardon has been accepted it becomes a *valid* act, and the person receiving it is entitled to all its benefits." Afterwards he says: "Persons who have been constantly engaged in rebellion, should know distinctly what they are to do, when and how they are to do it, to free themselves from punishment in whole or in part, or to re-instate themselves as before the rebellion." In 12 Mod. R., 119, it is held that "Where a crime is pardoned all the effects and consequences thereof are also discharged."

I will not venture to illustrate or expand these citations, or to discuss this subject at length, but will bring my remarks to a close in a very few words. The language of the Act is general and explicit; and although it applies to a single order of persons only, it is gratuitous to say that it was the intention of Congress to limit the oath to any particular individual or class of this order; the plain words of the Act are, that it shall comprehend every attorney or counsellor upon his ad-

mission to the bar of a National Court, or who had been admitted previous to the 4th of March, 1865. Yet the effect of the statute is, that he who has not been in rebellion, can take the oath; he who was—notwithstanding he has received pardon and amnesty—can not. Therefore, while this Act is of force, neither pardon nor amnesty avail the petitioner, so as to make him a “new man.” 4 Bla. Com. 402.

Was this result—this impossibility—foreknown to Congress?

Is this statute of the character contemplated by Sir William Blackstone? “But where,” says that author, “some collateral matter arises out of the general words and happens to be unreasonable, there the judges are, in decency, to conclude that this consequence was not foreseen by the parliament, and therefore, they are at liberty to expound the statute by equity, and only *quoad hoc* disregard it.” 1 Com. 91. What is said by the Commentator relates to the British constitution; but whether such reason alone, for setting aside a statute, or any portion of it, would obtain in this country is very questionable. See IREDELL, J., in *Calder v. Bull*, 3 Dall., 386; *Cochran v. Van Surly*, 20 Wend., 381; *The City of Bridgeport v. The Housatonic Rail Road Company*, 15 Conn. 475; *Parker v. Commonwealth*, 6 Barr, 507. But vide *Ross’ case*, 2 Pick., 165; remarks of PARKER, C. J.

Chancellor KENT, (1 Com., 448,) says: “If there be no constitutional objections to a statute, it is with us as absolute and uncontrollable as laws flowing from the sovereign power under any other form of government.” Here we have a written Constitution, forming the paramount and fundamental law of the nation, wherein is designated the power and duties of the National Legislature, as well as the other departments of the government; therefore, it must follow as a consequence, that none of the co-ordinate branches can infringe the power of any of the others—each division—legislative, executive, and judicial, must remain confined within its own Constitutional limits. It was ingeniously argued by one of the learned counsel, ex-Gov. Joseph E. Brown, that this Act imposes a penalty which cannot be remitted, and inflicts a punishment beyond the

reach of Executive clemency. Whether this statute really passes the Constitutional boundary, and is subversive of the pardoning power of the President, is a question of so nice and delicate a nature, that the solution of it would demand the most profound consideration; but, as the case before the Court does not absolutely require this question to be resolved, it will not be attempted. *See Story on the Constitution*, sec. 1498.

On the part of the petitioner it was contended that the Act of January 24, 1865—(in which the oath of office of July 2, 1862, may be, by relation, considered as embodied)—is in the nature of a bill of attainder.

Bills of attainder are statutes enacted by the supreme legislative power, *pro re nata*, inflicting capital penalties, *ex post facto*, without conviction in the regular course of administration through courts of justice.

But it has been said, that the person or persons, to be affected must be named in the bill, otherwise it is not a statute of this character. Dr. WOODDESON in his *Vinerian Lectures*, 13 Law, Lib. 510, lends a general substantiation to this position. He says: "It has been usual in times of domestic rebellion to pass acts of parliament inflicting the penalties of attainder on those *by name*, who had levied war against the king, and had fled from justice, provided they should not surrender by a day prefixed." Acts of attainder were generally framed in accordance with the foregoing extract, but not always so; for there are in the statute books, both of England and of Ireland, many statutes of attainder wherein whole classes of people, in bulk, were attainted, adjudged and convicted of high treason, without being named or otherwise legally designated; and—though it may be wholly useless to refer to the fact—without being called, arraigned, or tried. But a distant allusion alone to these bills of attainder, and which in several material respects, differ from those mentioned by WOODDESON, and other writers, is not sufficient to an understanding of the grave question under immediate examination; therefore, so much of such of them as may direct to a legitimate, legal conclusion, may not inaptly, I think, be transcribed. At a parliament held at Westminster, the statute of 26 Hen.,

viii., c 25, 3 Stats. of the Realm, 529, was passed, entitled "An Act concerning the Attainder of Thomas Fittzgaralde, Erle of Gildare." It attaints and convicts the Earl of high treason, and deprives him of his estate, title, etc. Sec. II declares, "That all such persons which be or heretofore have been comforters, partakers, abettors, confederates, and adherents unto the said Erle in his said false and traitorous acts and purposes, shall, in likewise stand and be attainted, adjudged and convicted of high treason." By sec. III, it is provided, "That the same attainder, judgment, and conviction against the said comforters, partakers, abettors, confederates and adherents, shall be as strong and effectual in law against them, and every of them, as though they, and every of them, had be (*sic*) specially, singularly and particularly named by their proper names and surnames in this said act." Sec. IV enacts, that as well the said Earl, as other his said comforters, abettors, etc., "shall have and suffer execution of death for the same accordingly." Sec. VII., provides, that the attainder is not to be "hurtful or prejudicial," if they submit by a pre-signified day to the king or his lieutenant.

Some two years subsequent to the making of the preceding law, the 28 Hen., viii, c 18, *Id.* 694, was passed. This statute is entitled, "An Act concerning the Attainder of Thomas Fittzgaralde, and of his V Uncles." Reciting the 26 Hen., viii, c 25, the act declares that, "The said Thomas, late Erle of Gyldare, by whatsoever name or names he be called; James Fittzgaralde, *Knight*; John Fittzgaralde; Richard [Fittzgaralde]; Olyver Fittzgaralde; and Walter Fittzgaralde, be attained, adjudged and convicted of high treason;" * * * * and that the said late Thomas shall lose his title, dignity and estate of Earl of Gyldare. Section II, as in the preceding act, attaints "all such persons which be or heretofore have been comforters, abettors, partakers, confederates or adherents unto the said Thomas Fittzgaralde, late Erle," or unto his said uncles, and every of them. Section III. "And be it further enacted, by the authority aforesaid, that the same attainder, judgment, and conviction against the said comforters, abettors, partakers, confederates and adherents, shall be so

strong and effectual in law against them, and every of them, as though they and every of them, had been specially, singularly and particularly named by their proper names and surnames in [the] said act." Section IV. "And be it further enacted by the authority aforesaid, that as well the said Thomas, late Erle, James Fittzgaralde, *Knight*; John Fittzgaralde; Richard Fittzgaralde; Olyver Fittzgaralde; and Walter Fittzgaralde, now being in the Tower of London, for their said treason, and every of them, as the said comforters, abettors, partakers, confederates and adherents, and every of them, shall have and suffer execution of death for the same accordingly," * * * * and shall forfeit their estates, etc. "And that they, and every of them, for their said false and traitorous offenses, shall loose the benefit, liberation, and privilege of all sanctuaries." Shortly after the passing of this attainder, the young Kildare and his five rebel uncles were hanged at *Tyburn*. HERBERT'S LIFE AND REIGN OF HENRY THE EIGHTH.—P. 491. Ed. of 1682.

In Bishop Burnet's History of the Reformation, 1—Part 2—243, ed. of 1825, is printed at length, Parliamentary Roll, Act 60, *anno regni tricesimo secundo*, Henry 8, and his statute enacts, *inter alia*, that Thomas, late Earl of Essex, "shall be and stand by authority of this present parliament, attainted and convicted of heresy and high treason, and shall be adjudged an abominable and detestable traitor, and shall have and suffer the pains of death."

The 24th Eliz., ch., 1 *Irish Stats. at Large*, 391, attainted and convicted James Eustace, late Viscount Baltinglas, and his brothers, Edmund, Thomas, Walter, and Richard, of high treason; and by sec. II., prescribed as follows: "That as well the said James, and all others the said offenders and persons before named, AS SUCH OTHERS who by actual rebellion, and other traitorous practices have committed like abominable and detestable treason and rebellion, and have died and been slain in their said actual rebellion and treasons, or otherwise been, by martial law, executed for the same, and every of them, for said abominable and detestable treasons, by them and every of them, most abominably and traitorously committed, perpe-

trated and done against your highness," etc., "shall be, by authority of this present parliament, convicted and attainted of high treason. And that as many of the said offenders and persons before named, as be yet in life, shall and may, at your highness' will and pleasure suffer the pains of death as in cases of high treason," etc. Here the living and the dead alike were attainted and convicted. Many other acts might be cited, in which the dead were attainted. Let one (and it is the last of the kind, I believe,) suffice: 12 Car., ii 1, 30, attainted the remains of the great Lord Protector Cromwell, and others, who had sat in judgment on Charles the First.

The foregoing citations are amply sufficient to show (among other matters pertinent to this subject) that to constitute a statute of attainder, it was not necessary to name the persons accused, nor to call upon them to appear and defend before judgment.

Other occasional acts of parliament of a kindred nature to bills of attainder—but which inflict a punishment milder than death—known as bills of pains and penalties, will be noticed. Treason itself has, in some instances, been punished by these statutes, as in the case of Lord Monson, Sir Arthur Haselrig, and others, who had been members of the High Court of Justice. 12 Car., ii c. 11, secs. 38 and 39. The 19 Car., ii., c. 10, adjudged the Earl of Clarendon a banished man for life, if he did not return to England within a certain period, and surrender himself for trial. The 9 Geo., 1, c. 18, 5 Stats. at Large, 477, ordered Bishop Atterbury to depart the realm on, or before, a fixed day; sentenced him to perpetual exile, and made it felony in him to return; and deprived him of all his offices, dignities, etc. This bill was passed, on what was, at the time, a bare supposition, that he was conspiring to bring in the Pretender.

Of the nature of bills of pains and penalties, and also closely allied to more than one of the acts of attainder quoted, are those statutes which despoiled certain portions of the people, and in one memorable instance a whole community, in gross, of their civil rights, without denominating by name or other legal, special manner, the persons to be affected, or sum-

moning them to appear and defend. The 22 Geo., iii., c. 31, disfranchised all the electors of Crickdale below a certain yearly rental. By the 1 and 2 Geo., iv., c. 47. 8 Stats. (U. K.) at Large, 358, the entire body of voters of Grampound were deprived of their electoral privileges.

In England a distinction is taken between bills of attainder and bills of pains and penalties; but when carefully noted and compared they will be found akin, and in close fellowship; and the following extract will prove the nearness of their identity. While the bill to inflict pains and penalties upon John Plunkett, was pending before the House of Lords, it was ordered by that House, that the opinion of the judges be asked, "whether if John Plunkett shall, after the passing of this bill, be indicted for the treasons of which he stands charged in this bill, he can plead this act in bar of such indictment?" And the judges, through the Chief Justice, answered: "That, if the said bill should pass into a law, he may plead the same in bar of such indictment." 16 State Trials, 365. Therefore, it would seem to follow, that, if the Act of Congress of January 24, 1865, or any part of it, be in the nature of a bill of attainder, and as such would affect the petitioner, it cannot be deemed any the less so because he is not named in it. And like reason would hold good, if it be technically, or in the nature of a bill of pains and penalties. DUER on the Constitutional Jurisprudence of the United States, Lect. xi. Mr. Justice STORY says: "But in the sense of the Constitution, it seems, that bills of attainder include bills of pains and penalties; for the Supreme Court have said 'A bill of attainder may affect the life of an individual, or confiscate his property, or may do both.'" Story on the Constitution, sec. 1338, citing, *Fletcher v. Peck*, 6 Cranch., 138, and Kent, Lect. xix.

Whether the Act of January 24, 1865, is in the nature of a bill of attainder was a point in judgment *In the case of John Gill Shorter, and other attorneys, for leave to practice in the Circuit and District Courts of the United States, for the District of Alabama, without first complying with the requirements of said statute.* And BUSTEED, J., in an opinion marked by precision and force, says: "Does it not in fact disfranchise

the class of men known as lawyers, under the pain of not taking the oath it prescribes? Is not this the logical and necessary consequence of their refusal? Does it not disfranchise them when it requires them to take the prescribed oath, before they can exercise their vocation? Is it not an assumption by the legislature of judicial magistracy? Is it not 'pronouncing upon the guilt of the party without any of the common forms and guards of trial?' " DECISION OF THE HONORABLE RICHARD BUSTEED. *Mobile Register and Advertiser*, Dec. 17, 1865.

Bestowing upon this particular question the utmost care and solicitude—and with unfeigned regret of my inability to discuss it in a manner answerable to its gravity—I cannot regard the retrospective part of this oath otherwise than as a bill of pains and penalties—possessing the characteristic attributes of a bill of attainder, except the death penalty. In the arbitrary, technical sense it may not be so called; but when it is so plainly observable that by its own inherent force it effectuates the destruction of the rights of a large order of persons, and is substantially and in effect a bill of pains and penalties, I know no other term in our language adequate to express it. By operation of the legislative will alone, Mr. Law is already adjudged—adjudged without due process of law; and, although forthcoming, not called to trial, according to the general laws of the land; the statute affecting his person as directly and accurately, as though he were named in its body—disenabling him from appearing or being heard, as an attorney or counsellor, at the bar of this Court, and thereby depriving him of the right to acquire and own property, by his professional skill and labor. But if the conclusion at which I have arrived is erroneous, and the retroactive clauses of the oath do not contravene any portion of the Constitution of the United States, still he is encompassed by an impassible barrier during the remainder of his days, or until these supposed obnoxious clauses of the oath are modified or repealed by Congress.

The following additional objections were presented: First, that the Act of Congress of January 24th, 1866, is a penal law. This may be disposed of at once. After a careful analysis

of this statute, and perceiving, as I apprehended, the manner in which it necessarily affects the party now before this Court, it seems clear, on principle and on authority, that the several retrospective divisions of the oath are highly penal. The following cases are referred to, in support of this expression: *Leigh's* case; *Dorsey's* case; *In the matter of Shorter et al.*; and *In the matter of Baxter*. Agreeing with these authorities, this question may be considered settled, so far as this Court is concerned, until such time as the Supreme Court of the United States shall have decided it otherwise.

The *second* objection taken was, that the Act is in violation of so much of the ninth section of the first article of the Constitution as declares that no "*ex post facto* law shall be passed;" and also that it contravenes that clause of the fifth section of the first article of the amendments to the Constitution, which prohibits any person from being compelled, in any criminal case, to be a witness against himself, or being deprived of life, liberty or property without due process of law.

In the case of *Leigh, supra*. Mr. Leigh applied to the Supreme Court of Appeals of Virginia for admission to its bar. But he was met by a statute of that State, requiring "every person who shall be appointed to any office or place, civil or military, under the commonwealth, shall, in addition to the oath now prescribed, take the following oath," to wit: "That he hath not been engaged in a duel by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner in violation of the act, 'entitled an act to suppress duelling,' since the passage thereof;" and further, that he will not be concerned directly or indirectly in such duel, during his continuance in office. *Id.* 485. The point for judgment in this case was, whether practitioners of the law were public officers? TUCKER, J., was of opinion that they were. But ROANE, J., and FLEMING, C. J., decided otherwise; and Mr. Leigh was admitted without taking the additional oath. The majority of the court, in their opinions, animadverted upon the statute in very expressive terms. ROANE, J., said: "It is unusually *penal*, if not tyrannical, in compelling a party to stipulate upon oath, by the 3d section, not only in relation to

his past conduct, and present resolution, but also for the future state of his mind." And the Chief Justice—after remarking that it was an "oath unknown to the laws of the State, or of the United States"—adds: "I cannot but consider it a penal statute, and as *such* must give it a strict interpretation.

In the matter of John Dorsey, supra. On the seventh of January, 1826, the legislature of Alabama passed an act, commanding all public officers, and attorneys and counsellors at law, before entering upon the duties of their offices or stations, to take the following oath, to wit: "I do solemnly swear that I have neither directly nor indirectly, given, accepted, or knowingly carried a challenge in writing or otherwise, to any person or persons (being a citizen of this state) to fight in single combat, or otherwise, with any deadly weapon, either in, or out of the state, or aided or abetted in the same, since the first day of January, 1826;" and that he will not hereafter give, accept, or knowingly carry a challenge, etc. "And any attorney or counsellor at law, failing or refusing to take the said oath, shall not be permitted to practice, as such, in any court of this state."

The validity of this Act came regularly before the court, and a majority of the court decided, the retroactive portion of the oath, to be unconstitutional and void. COLLIER, C. J., dissented. GOLDTHWAITE, J., in delivering the opinion says: "I have given the subject the consideration demanded by its importance as a constitutional question, and am convinced that one part of the oath imposed by the general assembly, usually called the duelling act, is inhibited by the constitution. As the oath is not divisible, and is, in part, unwarranted by the fundamental law, in my opinion, we ought not to require it to be administered." ORMOND, J., says: "This is a highly penal law, it excludes, unless its terms are complied with, all persons from practicing as attorneys and counsellors at law in the courts of this state." On p. 380, he says: "The tenth section of the bills of rights, among other things, provides that no one 'shall be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property, but by due course of law.' After a patient and mature exami-

nation of the matter, I am of opinion that the requisitions of the expurgatory oath, exacted by this law, offends against this portion of the bills of rights."

The case of *Cohen vs. Wright*, *supra*, arose on an Act, passed April 25, 1863, by the legislature of California, entitled "*An Act to exclude Traitors and Alien Enemies from the Courts of Justice in Civil Cases.*" The 3d section of the Act reads: "No attorney at law shall be permitted to practice in any court in this state until he shall have taken, and filed in the office of the county clerk of the county in which the attorney shall reside, the oath prescribed in this act; and for every violation of the provisions of this section, the attorney so offending shall be considered guilty of a misdemeanor, and on conviction shall be fined in the sum of one thousand dollars." The following is the form of oath to be taken by plaintiffs, defendants and attorneys, to wit: "I [here insert the name of the plaintiff] do solemnly swear that I will support the Constitution of the United States, and the constitution of the state of California; that I will bear true faith and allegiance to the Government of the United States, any ordinance, resolution, or law of any state, or territory, or of any convention or legislature thereof, to the contrary notwithstanding; that I have not, since the [here insert the date of the passage of this act] knowingly aided, encouraged, countenanced, or assisted, nor will I hereafter, in any manner, aid, encourage, countenance or assist the so-called Confederate States, or any of them, in their rebellion against the lawful Government of the United States; and this I do without any qualification or mental reservation whatsoever." The first and second clauses of the oath state, in plain terms, that the affiant will support the Constitution of the United States, and the constitution of the state of California. "The next clause," says Mr. Justice CROCKER, in delivering the opinion of the court, "that the party has not, since the passage of the act, and will not aid, encourage, countenance or assist those now in rebellion against the United States, is a solemn declaration or pledge; a declaration that the party has not committed since the passage of the law, and a pledge that he will not commit

any treasonable act against the National Government. So far as it is a pledge of future good conduct, it is but expressing in another form, that he will support the Constitution, and bear true allegiance to the United States, and to that extent clearly is not opposed to this section" [Art ii, sec iii] "of our state constitution. So far as it is a declaration of past conduct, it seems to go beyond the strict letter of the constitutional oath, and we have therefore, had a doubt of its validity. It does, however, but carry out the object, design, and spirit of the constitutional oath; and as it is not an unreasonable requirement, being confined to acts since the passage of the law, and does not clearly violate the constitution, we are unwilling to declare it void on a mere doubt. "The act," say the court, toward the close of this branch of the case, "is not retrospective, as it merely requires the party to swear that he has not committed any treasonable act *since* its passage. It does not relate to any act done *before* that time."

In the matter of Baxter, supra, TRIGG, J., says: "Now assuming that Mr. Baxter has been guilty of some one or more of the acts enumerated in the prescribed oath, or rather in the *law* we are considering (for the oath, as before stated, must be considered as incorporated in the body of the act) the question then arises:—Does this law of Congress, render the act committed *punishable* in a manner in which it was not punishable when it *was* committed? Does it affect him, by way of *punishment* of the act, either in his person or his estate *differently* from what it would have done before the passage of the law, and at the time the act was committed? If it does, then under the authorities before cited, it is an *ex post facto* law, and, being repugnant to the Constitution, is void." And in the next paragraph the judge says: "But this law *extends* the punishment of the attorney, by virtually depriving him of his office in the Courts, and thereby forfeiting whatever of the emoluments of his profession he may be entitled to upon contracts with his clients for services to be rendered, or which have been in part performed, and not yet completed. * * * And the effect of the law being thus penal in its consequences, and *punishing* the attorney for the acts

mentioned in the oath, in a manner in which they were *not* punishable, when committed, then, tested by the principles laid down in the cases of *Calder v. Bull* and *Fletcher v. Peck*, I am constrained to declare that the act in question is opposed to the Constitution of the United States, is *ex post facto* in its operations, and therefore not a valid law." Pamph. 10.

BUSTEED, J., in *Shorter et al., supra*, declared the act to be "highly penal in its general scope and effect." The judge also determined it to be *ex post facto*; and gave the following cogent illustration in support of his decision, on this point: "One of the clauses in the Act of Congress of the 2nd of July, 1862, and which is embraced in the oath required by the act of January 24, 1865, is as follows: 'That I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States.' This abjuration is not confined to any period. It covers the lifetime of the affirmant. Before the 24th of January, 1865, a British subject could be admitted to all the rights of citizenship in the United States, by taking the oaths of naturalization. Without being naturalized, he might be admitted to the bar of this Court upon complying with the rules of the Court. But if, during the period of war between the United States and Great Britain, half a century ago, he had held office in the kingdom of which he was a native, and was then a subject, he could not comply with the requisitions of this statute, and could no longer exercise his privilege as a member of the bar of this Court. The right acquired by his naturalization, and by the rules and orders of the Court, would be annulled by a law *ex post facto*, and for an act innocent, or even praiseworthy, when it was done."

It was likewise the opinion of the Court, that the statute compelled the party to be a witness against himself. "It is unworthy of the great question," observed the judge, "to say that a man is not obliged to put himself in the supposed dilemma; that all that he has to do is not to attempt the practice of his profession in the National Courts, and he will not run the risk of testifying to his own guilt. This is the

merest and the shallowest sophistry. If he keep silence, he is thereby deprived of a constitutional right; if he speak, he becomes a 'witness against himself.' Judgment of condemnation instantly follows the coerced acknowledgement of guilt, and an act of the legislature is thus made to take the place and exercise the functions of the judicial office. Now, if Congress may bring about such a result to a man, is it not doing, by indirection, what it is expressly prohibited from doing directly?"

Concurring in the decision of the United States Circuit Court, in the case of *Baxter*, and that of the United States District Court, in *Shorter et al.*, it might seem unnecessary to offer further or other argument on subjects which have, already, been so satisfactorily treated; but as the same questions which arose before those Courts, were also discussed here, it is due to counsel that the views of this Court be signified:—little, however, can be added.

In *Fletcher v. Peck*, 6 Cranch, 138, it was said by the Supreme Court of the United States that an *ex post facto* law is one which renders an act punishable in a manner in which it was not punishable when it was committed. "This definition," says KENT, "is distinguished for its comprehensive brevity and precision, and it extends to laws passed after the act, and affecting a person by way of punishment of that act, either in his person or estate." 1 Kent, 409. And the supreme judicial court of Massachusetts, in *Ross'* case, say: "Adding a new punishment, or increasing the old one for the same offence, would be *ex post facto*." 2 Pick., 165. "*Ex post facto* laws relate to penal and criminal proceedings." 1 Kent, 409. Carefully observing the foregoing definitions, it may be said, that an *ex post facto* law is a retroactive penal or criminal law, and no other.

The design and object of a law is to regulate conduct, to prescribe and fix a rule or guide for it; and therefore, a law attempting to regulate past conduct undoes itself, and involves an inconsistency and contradiction. By the attaching of a new or cumulative consequence to a past transaction, does not regulate it, for a by gone act is beyond the reach of regulation.

SIR WILLIAM BLACKSTONE says, that all laws should be made "to commence *in futuro*, and be notified before their commencement which is implied in the term 'prescribed.'"

There are several clauses or divisions in the retrospective portion of the oath; the first is as follows: "I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen hereof." If a citizen of the United States, or an alien, while he, or his family and effects, are under the protection of the government, has voluntarily borne arms against the nation—the United States—it is a levying of war against them; and this is treason, the heaviest and most atrocious offence known to the law; it is the sum of all crimes, for it is committed against the duty of allegiance.

By observing the first clause it cannot but be noticed that, although it is couched in negative language, it nevertheless implies affirmatively that the party taking the oath may have borne arms against the United States within the period of which he has been a citizen. He does not swear positively that he has not borne arms against the United States since he has been a citizen thereof, but on the contrary, his oath is pregnant with the admission that he has; and so by implication he inculcates himself, and at the same moment exculpates himself, by testifying that he did not commit it *voluntarily*; and thus, the facts and the law being interwoven, he swears to matter of law, or rather to a conclusion of law.

It is a well settled rule, and knows no exception, that an act done from compulsion or necessity is not a crime; but the *degree* of necessity that will excuse is often, however, a nice matter to decide. *Respublica v. McCarthy*, 2 Dall., 85, *United States v. Vigol*, Id. 346. 1 Russ. on Crimes, 664, 665; 1 Bishop on Criminal Law, secs. 441 to 448. Allison Crim. Law, 627, 673; 1 Hume Crim. Law, 50, 51. *The Argo*, 1 Gall. 150, 157. *The New York*, 3 Wheat., 59.

It is in evidence that the petitioner fell within the 13th exception of the Proclamation of May 29th, 1865, and that he received and accepted a grant of pardon and amnesty from the

President of the United States. This grant was inspected by the Court and declared to be a valid act, and that the recipient ought to have the full legal benefit of it.

Now, if this pardon in addition to absolving the offence, also restores to him his confiscated property, not judicially condemned to the United States, by parity of principle, it likewise restores to him his property or right of property, in the fees and other emoluments accruing to him for professional services as an attorney, proctor, &c.

Suppose a member of the bar were indicted for treason; because of his having levied war against the United States, and he brings into the Circuit Court before which he stands charged, a pardon for the offence, and he pleads it in bar, or by other proper mode presents it for judgment—on the reading of the indictment, or on arraignment, or during trial; or after verdict, in arrest of judgment; or after judgment, in bar of execution—and his plea or motion is allowed, and he goes without day, is not this the end? By this are not all the effects and consequences of the crime discharged, and the party become a “new man?”

But, notwithstanding the accused has the benefit of the pardon adjudged to him by the Court, yet he cannot be permitted to appear and be heard in any Federal Court, unless he shall have first taken and subscribed an oath, (which oath is already quoted), the first clause of which is in substance, that he has never voluntarily borne arms against the Nation, since he has been a citizen thereof. In this clause, as is perceived, is inclosed the fact that he did not voluntarily commit the offense for which he stood indicted, or was arraigned, or tried, or adjudged, and which particular offense he himself in open Court, by his plea, confessed he had committed voluntarily. Surely the exacting of this oath is a punishment, for it effectually disables all who have done any of the acts mentioned in the oath, though they have received and accepted a full pardon and amnesty for the offenses. It is not a mere temporary suspension from the practice, but a disbarment—a perpetual exclusion from the National Courts. The Act punishes the party in a manner in which he was not punishable

when the act was committed, and in a manner not conformable to the fundamental law of the land. The requirement of this oath brings its retrospective clauses directly within the ruling in *Ross'* case: "Adding a new punishment," say the court, "or increasing an old one for the same offense would be *ex post facto*."

In these remarks, I have touched upon the first clause only; but on examination of the others, it will be found that the same peculiarities pervade them as are inherent in the first, and that like results flow from them. See the exposition of the third clause *per* BUSTEED, J., *supra*.

It may be wholly foreign to notice the fact that if the party required to take the oath be a native citizen of the United States, every word of the retrospective part of the oath would affect every hour of his past life. 2 Kent, 258 *note*. 4 Bla. Com., 23; *Boyd v. Banta*, Coxe, 266; 1 Russ. on Crimes, 1 to 10; 1 Bishop on Crim. Law, sec. 460, 461, 3d Ed.

Applying the principles advanced in the case supposed to this of the petitioner, the same results will be obtained.

Directing attention to the cases of *Leigh* and *Dorsey*, and *Cohen v. Wright*, it will be seen, that in *Leigh's* case the law only required the attorney to swear that he had not transgressed the statute "since the passage thereof." Notwithstanding this oath may on strict construction, be deemed prospective, yet it was censured in strong language by a majority of the court.

In *Dorsey's* case the oath to be taken was, not that the party had not violated the provisions of the statute since its enactment, but from a period prior thereto. As already observed, a majority of the court decided the retroactive portion of this oath to be unconstitutional and void.

In *Cohen v. Wright*, the court expressed some doubt as to the validity of the oath (quoted in full in a former part of this opinion) "so far as it was a declaration of past conduct."

But, it remarked: "The act is not retrospective as it merely requires the party to swear that he has not committed any treasonable act *since* its passage." And near the close of the opinion it was said: "The law warned him what the result would be, and although it may be severe, it is a consequence of his own voluntary violation of the fundamental rights of society."

To require a person, under any circumstances, to take an oath of innocence of crime, even when he had warning by a pre-ordained law—and warning, it is said, is the end of punishment—is a rigid exaction. Yet it was observed, and by an eminent court, in the case last cited, in speaking of the oath before it that "it seems to go beyond the strict letter of the constitutional oath," * * * It, however, does but carry out the object, design and spirit of the constitutional oath; and as it is not an unreasonable requirement, being confined to acts since the passage of the law, and does not clearly violate the constitution, we are unwilling to declare it void on a mere doubt."

But the particular question now before this court is of still greater importance, because the oath of expurgation required by the Act of Congress, approved January 24, 1865, goes back and searches the conscience of the petitioner during the whole course of his life—retroacting upon him for a period little less than three-quarters of a century anterior to its passage by Congress. That the imposing of this oath (so far as the retrospective part of it is concerned) is virtually compulsory, and effectually punitive, cannot, in my judgment, be denied. It makes the party swear to a life long innocence, and to testify against himself, and herein it is an infraction of the fundamental law of the land.

And while preparing this opinion, I have not been unmindful of the magnitude—nay awfulness—of the responsibility which devolves upon a Court in pronouncing against even a part of a solemn Act of the Congress of the United States.

JUDGMENT.

Upon argument had on said motion of the petitioner, Mr. LAW, and after full consideration of the matters of fact, and of law involved in the rule *nisi*, it is ordered and adjudged by the Court, that the Act of Congress, approved January twenty-fourth, eighteen hundred and sixty five, so far as it was intended to apply to this case, is repugnant to the Constitution of the United States.

Motion granted.

The Case of George McIntosh

BY THE EDITOR

Among the prominent families in Georgia that of McIntosh holds a record equal, probably, to any in historical importance and interest. At its head we place, without fear of contradiction, the name of General Lachlan McIntosh, whose service to his country in the time of its struggle for independence should never be forgotten, and whose career has never been as highly appreciated as it deserves. We regret that no adequate biography of him has ever been written. His reputation has suffered more than the circumstances justified in the matter of his duel with Button Gwinnett, by reason of the power exerted by the Gwinnett party immediately following the death of their leader. Great injustice to him was also caused by the letter attributed to William Glascock in the latter part of the year 1779, and that matter has never been explained so as to show the character of General McIntosh in its proper light.

The subject matter of this article was the occasion of great joy to General McIntosh's mortal enemy, Button Gwinnett, who made much of a matter which would not otherwise have attained the notoriety it received. Gwinnett, at that time, was President of the Georgia Council, and, in the language of Chas. C. Jones (*History of Georgia*, vol. II pp. 279, 280) "gladly availed himself of the opportunity thus afforded to mortify General Lachlan McIntosh and vent his wrath against him upon his brother."

We have to go to original documents for information concerning George McIntosh, as his name does not frequently occur in any of the histories recording events transpiring during the period in which he lived. It is true that he is mentioned here and there; but references to him are so brief that the general reader does not reach the conclusion that he deserves more consideration than any ordinary man.

George McIntosh was a man of education, and his knowledge secured for him positions of honor and profit. He must have been well fitted for the work of surveying, as, in the

year 1766 he was appointed by the General Assembly a commissioner to lay out a road of importance in the southeast portion of the Province; was, in 1768, made the official surveyor for the Parish of Saint Andrew; was, by the tax act of 1770, granted the sum of ten pounds for surveying a place known as "Butter Milk Bluff;" but, more important still, he was, in the last mentioned year, assigned by the Legislature as the special agent to lay out the town of Brunswick. In this connection it is interesting to have the words of DeBrahm who, on page 32 of the Wormsloe edition of his "History of the Province of Georgia," in a foot note, records the fact that "In 1771 a Town was laid out on the said Spot, and called Brounswig, many are the Petitioners who have applied to the Governor in Council for Properties in this new Town—from its Situation extremely promising."

In 1764 George McIntosh was a member of the Commons House of Assembly, and in the month of December he was granted leave of absence "during pleasure," but in October, 1765, he was, by resolution, required to appear in his seat. Whether he was absent all that time we do not know. He was a representative in the same Assembly, from Saint Andrew's Parish both in 1768 and 1772.

When the first Provincial Congress of Georgia, appointed to take into consideration matters of the greatest moment leading to the final separation of the Colonies from Great Britain, met on the 4th of July, 1775, in Savannah, George McIntosh was present as a representative from Saint Andrew's Parish. Archibald Bulloch was the President and George Walton was the Secretary of that Congress. He was a member of the Council of Safety and was present May 14th, 15th, 16th, 17th, June 8th, 11th, 18th, 19th, 20th, 21st, Sept. 20th, Oct. 2d, 7th, 10th, 18th, 21st, 22d, and Nov. 23d and 25th, 1776.

On the 22d of November, 1777, while Archibald Bulloch, President of Council, was absent and matters concerning the settlement of estates, at that time within the jurisdiction of that body, coming up for action, George McIntosh was one of eight members who signed a paper consenting to the reference of those matters to the President, then confined to his

home by sickness, which was probably his last attack, as he died during the month of February following. The consent was in the words: "We, the subscribers, being----- of the Council, and members of the said Court, have no objections to the same being done before his Excellency the President at his chambers (in consequence of his indisposition and inability to attend the Court) in case his Excellency shall think proper so to do."

The story of the troubles of George McIntosh begins with the dispute between Governor John Adam Treutlen and William Henry Drayton, of South Carolina. In the year 1777, as is well known, a proposition was made to unite the States of South Carolina and Georgia, and Drayton was appointed one of the commissioners on the part of the former to make the proposition to Georgia. At that time Treutlen was the Governor of Georgia, having been elected over Button Gwinnett by a large majority. Feeling in Georgia ran high, in consequence of the proposed union, resulting in the proclamation of Treutlen, offering a reward of one hundred pounds for the capture of Drayton and others, who were charged with endeavoring to poison the minds of the good people of this State against the Government thereof." To that proclamation Drayton made an angry reply in which he took occasion to charge Treutlen with being unjust towards George McIntosh, "who," he said, "I consider as an abused gentleman, arbitrarily ordered into a distant State, to be tried by those who have no jurisdiction in such a case, and far out of the reach of a jury of his vicinage—circumstances of tyranny and total disregard to the most valuable rights of the people," &c. The charge of injustice against George McIntosh grew out of a circumstance which will now be related.

On the 8th day of January, 1777, McIntosh was arrested by order of the President of the Council of Safety, and lodged in jail on a charge made in an intercepted letter of Governor Tonyn, of East Florida, to Lord George Germain. This action grew out of an affidavit filed with the Council of Safety Nov. 23d, 1776, by Edward Davies, charging "that about the 25th day of October last, he was at St. Augustine, and that Mr.

(Roger) Kelsall told him that the brig *Beaufort*, now lying in Ogeechee River, was expected daily at Mr. (William) Panton's address. As the said brig belonged to the deponent and partners, he applied to Mr. Panton to know on what account she was to come away. Mr. Panton answered she was licensed by Governor Tonyn for St. Augustine, and requested of the deponent to know where he would receive said vessel, she being on monthly wages, but in case of capture a valuation was to be paid in a sum unknown to the deponent." The Council then instructed General Lachlan McIntosh to "take into his possession the sails belonging to the brig *Beaufort*, and prevent the said brig from proceeding on her voyage till further orders from this Board." It appears that Panton had stored at Sunbury a large quantity of goods, and had obtained permission of the Council of Safety to exchange them for rice, provided he would give bond with security that the goods would not be discharged in any district over which England had jurisdiction.

In the intercepted letter of Governor Tonyn the writer said, among other things, that Panton "had been greatly assisted by Mr. George McIntosh who is compelled to a tacit acquiescence with the distempered times," and "I am informed that his principles are a loyal attachment to the king and constitution. He would, my lord, be in a dangerous situation was this known."

Sir James Wright, who had been arrested in his home by the "Liberty Boys" under the leadership of John Habersham, made his escape and went to Halifax, and afterwards wrote a letter to Lord George Germain, on the 8th of October, 1777, quoting passages from a letter "from Mr. Wm. Brown, late acting Comptroller and Searcher at the Port of Savannah, in Georgia, a person whose veracity is unquestionable," these words: "Lachlan McIntosh (the Rebel General in Georgia), is in confinement for killing Gwinnett—George McIntosh (a great Rebel) being informed there was an intention to send him to the Northward to be tried for selling Provisions for the use of the Garrison at St. Augustine, has absconded, and a Party of Soldiers are living at free Quarters on his Planta-

tion———. The Carolinians taking the advantage of the disputes in Georgia, the Death of Gwinnett, and the disgrace of the McIntoshes, who all violently opposed the former Attempt to unite Georgia to Carolina, mean to revive the matter, and to send General Moultrie to enforce it, if they can't otherwise accomplish it."

In the year 1793 a suit in equity was brought against General Lachlan McIntosh and others by John McIntosh, son of George, to compel the former to render a true account of matters pertaining to the administration of George McIntosh's estate. To the bill in equity General McIntosh filed a lengthy reply which is herewith given mainly for the facts of history contained in it:

STATE OF GEORGIA:—

On the Equity side of the Superior Court.

John McIntosh, Complainant, by his next friends—

William and Lachlan, the elder, Esquires—

The answer of Lachlan McIntosh, one of the defendants to the Bill of the Complainant.

This defendant being required by the Bill of the Complainant to discover facts relative to the estate of the intestate George McIntosh, the Complainant's father, long before he had taken any part in the administration of it, and being willing in order to do every possible justice, and render every satisfaction in his power to the Complainant, to go into a narrative of the transactions of the estate as far as he can recollect, prior to his taking part in the administration of it; at the same time saving and reserving to himself now and at all times hereafter all and all manner of benefit of advantage of exception to the many insufficiencies, uncertainties and other imperfections and defects in the Complainant's Bill contained, for answer thereto or to so much thereof as this defendant thinks is any ways material or necessary to answer, he answereth and saith: That after the peace of Aix La Chapelle the latter end of the year one thousand seven hundred and forty eight, every resource this then young Colony, now State of Georgia, had for its support being withdrawn, it became almost entirely

depopulated; that among other emigrants this defendant left his parents and went to Charleston, South Carolina, where he carried his youngest brother, the late George McIntosh, the father of the Complainant, who was at that time about eleven years of age, put him to a grammar school at this defendant's own expense, and after the said George had acquired such other accomplishments as were then taught at that place, this defendant bound the said George for four years to an Architect and allowed him one hundred pounds Carolina currency a year during the term of his the said George's apprenticeship for pocket money, purchased a negro boy for him to be brought up to the same business with himself, and to attend upon him, who is still alive, as this defendant believes, and the most valuable slave belonging to the Complainant being the chief manager of his estate: This defendant further answering saith that after the term of the said George's apprenticeship expired, this defendant brought him back to Georgia and got him appointed commissary of supplies for the Troops in garrison at Frederica, and other ports dependent thereon, instructed him in geometry and surveying and furnished him with books for those purposes, in order that the said George might by those means acquire a more perfect knowledge of his own Country and have an opportunity of getting the most valuable lands at that early period for himself, as this defendant advised and directed him. And as the inclination of the said George soon after his return from Charleston led him to planting, this defendant was also his security in Charleston for the first parcel of Negroes the said George ever purchased, with which and his own industry he acquired all the property he every possessed. Of all these advantages he made the best use and became one of the most thriving planters in this State, uniformly ascribing all his successes to this defendant's steady friendships to him, and always declaring and looking upon this defendant in the light of a father and tried friend, rather than a brother; And this defendant further answering admits it to be true that the late George McIntosh, brother to this defendant and father of the Complainant, did depart this life at or about the time mentioned in the Complainant's

Bill of complaint, and that the said George died intestate and without a Will, to the best of this defendant's knowledge and belief; And this defendant admits it to be true that the Complainant is the only child of the said George McIntosh now living, and that the said George was at the time of his death possessed of a considerable real estate in Lands amounting to the best of this defendant's knowledge to thirteen thousand and eighty acres consisting of forty five tracts situated in the different Counties of Liberty Glynn and Camden in this State, and also of a Lot of Land in Savannah. The Grants and Titles to which said Lands and Lot were on the third day of July in the year one thousand seven hundred and ninety two delivered to the Complainant, by this defendant as by his receipt appears. And this defendant further answering admits it to be true that the said George at the time of his death was possessed of a considerable personal estate, consisting of negroes, and other things, but denies that there ever came to this defendant's hand and possession any more or other of the personal estate of the Intestate than the Negroes mentioned in the Inventory herewith exhibited and appraised at three thousand seven hundred and sixty two pounds on the ninth and eleventh of August one thousand seven hundred and eighty four, and on the seventeenth day of January one thousand seven hundred and eighty-six, and seventeen pieces of silver consisting of spoons and other old plate which was neglected to be put in the appraisement and is kept as a memorial for the Complainant of his Parents whom he can hardly remember: And this defendant further answering saith that he was at Augusta when he first heard of the death of the Intestate, that he immediately came down, but did not arrive until some days after his funeral, that the short time this defendant stayed at the habitation of the Intestate, he principally inquired and examined into his papers, which were scattered about and huddled into unlocked broken trunks, but found none of any consequence except the Grant and Titles for the land before mentioned, which were all put carefully into a small portmanteau trunk and secured by the defendant's wife and family, in a pursuit by the enemy of seven or eight hundred miles, while he this defendant was a

prisoner in Charleston, being captured at the siege of that City, in the year of our Lord one thousand seven hundred and eighty: And this defendant further answering saith that about the time he came down from Augusta after his brother's death he engaged a Waggoner to carry to Charleston to the care of McPhilip Minis, since deceased, a parcel of Indigo belonging to the Intestate which Indigo he never saw nor does he know the quantity but sent it there that it might be secured out of the reach of the enemy and has since been informed and believes it was afterwards delivered to the order of Sir George Houstoun; all the personal estate besides of every description was in the hurry of the retreat from the common enemy left in the care of the overseer on the Intestate's plantation at Sapelo river. And this defendant further answering denies that he did immediately after the death of the said George apply for the administration of his estate to the Superior Court of this County, but admits it to be true that sometime in the year one thousand seven hundred and eighty three, after the evacuation of Savannah by the British forces at the solicitation of the late Sir Patrick and the present Sir George Houstoun, he this defendant agreed to join them together with James Houstoun in the administration of the estate of the Intestate George, provided they would give this defendant no trouble in the administration of it, in pursuance of which solicitation an assent of this defendant's application was made and letters of Administration this defendant believes were granted to them; accordingly, on or about the thirtieth day of October one thousand seven hundred and eighty three, but this defendant denies that he ever qualified or acted under those letters. And this defendant further answering admits that true it is that some time after the said Letters were granted, if granted at all, to wit about the tenth day of December in the year last aforesaid William McIntosh, the elder, a brother of this defendant and a co-defendant to the Bill of the Complainant petitioned the Chief Justice of this State praying for a revocation of the letters granted to the said Sir Patrick, George and James Houstoun and this defendant, and that the administration of the estate and effects of the said Intestate might be granted to him

the said William as eldest brother of the Intestate, and to such others as by law or open consent might be entitled to the same, that the Chief Justice on considering the said petition granted the prayer thereof, and thereupon adjudged, that the administration of the Estate & effects of the said Intestate of right belonged to the said William, the petitioner, whereupon he the said William without the knowledge or consent of this defendant had his, this defendant's, name joined with the said William's in the Judge's order for the Letters, but this defendant having shortly before that period returned to this State after an absence of near five years, on being exchanged for General O'Hara, his family then in Virginia and his affairs much deranged by the War which required all his attention, in his advanced stage of life, refused to qualify or have anything to do with the said estate for a considerable time, however on seeing the estate of his said brother George much neglected and wasted, and being impressed with the necessity of his joining the said William in the Administration of it in order to save it as far as possible for the Complainant, the only child and representative of the Intestate, this defendant did on the twenty fourth day of May one thousand seven hundred and eighty four qualify with the other defendant to this Bill and take upon himself jointly with him the administration of the said estate. And this defendant further answering denies that he has acted as an administrator ever since the letters were granted, because this defendant says that he never got possession of the Negroes of the said estate till about the first day of January one thousand seven hundred and eighty five. And this defendant further answering saith, that his only motive in joining in the administration was to protect the estate from waste and ruin, himself under the most embarrassing circumstances, incredibly poor after a long and necessary absence from his country, plundered of almost everything he possessed and not a farthing of money belonging to the estate on hand or any present means of making any, all the movable effects belonging to the estate having been sold together with twenty-two of the best negroes by the late administrators Sir Patrick and George Houstoun under the usurpation—nothing to pur-

chase tools, clothes, provisions, or any other necessary for settling the Negroes without selling some of them, neither could credit be obtained, even if the means of settling them had been in the power of this defendant, the whole Country around was harassed by a banditti accustomed to plunder and rob, inso-much that there really was no safety for any movable property twenty miles distant from Savannah, and in addition to all this an Indian War shortly after broke out which nearly depopulated the whole Country south of Chatham County, under all those circumstances which this defendant believes would have terrified almost any other person than this defendant and the other from undertaking so arduous a task, they notwithstanding determined, old and inactive as they were, to persevere although no other means in their power were left than to hire out the Negroes to the highest bidder from year to year, which was also attended with many inconveniences and much trouble and risk, as the state about that period abounded with paper emissions of various kinds which served as a medium for cash in dealings amongst the Citizens, these circumstances coupled with the tediousness of legal proceedings induced people to give exorbitant prices for every article offered for sale notwithstanding which this and his co-defendant under all these embarrassments had no alternative left but to make the trial, not supposing the Claimant whom they had so essentially served would endeavor to take advantage of any little inadvertencies or irregularities which they might have fallen into under such circumstances, and in such times. And this defendant further answering saith that some time after he qualified as an Administrator John Houstoun Esquire an uncle of the Complainant instituted an Action against this defendant and the said William his brother as Administrators of the Intestate in the name of Miss Ann Stewart and recovered an account of three hundred and twenty two pounds seventeen shillings and three pence with interest thereon, and that the present Sir George Houstoun, another uncle to the Complainant, after engaging Samuel Stirk, William Stephens, and John Houstoun Esquires had three writs served on these defendants on the same day as administrators of the said estate

for about two thousand pounds sterling with interest charged on that sum to the day of bringing the Actions, which nearly doubled the original debt and at that time in this defendant's opinion would have swallowed up the whole estate if sold for cash, at length after much expence which this defendant at that time could but illy afford and frequent attendance on Court the fate of these Actions was by order of Court left to arbitration and instead of allowing the said Sir George the sums of money he demanded it was awarded that he should pay the defendants seventy eight pounds eight shillings and nine pence and return a young Negro fellow the said Sir George detained and since sold for one hundred pounds, as this defendant believes and also pay them three hundred and seventeen pounds three shillings and five pence with interest from the first day of January one thousand seven hundred and eighty one as surviving administrator of the said George McIntosh under the British usurpation, and that the said Sir George should also use the utmost of his endeavors to recover ninety two pounds sterling due by his brother-in-law George Kincade for negro hire during the said British administration of the estate which this defendant believes to be still due as by the award will appear. And this defendant further answering admits it to be true that he together with his co-defendant did on the twenty third day of December one thousand seven hundred and eighty four, at Great Ogeechee where the negroes of the said Intestate's estate then were in possession of William McIntosh the younger, son of this defendant, to whom they had been hired for that year by Sir Patrick and George Houstoun, set up and exposed to sale in pursuance of public notice given all the taskable hands of the Intestate consisting of twenty eight in number, from the first of January one thousand seven hundred and eighty-five till the first of January one thousand seven hundred and eighty six, as by the said notice will appear, when to this defendant's surprise they were knocked off at the enormous rate of twenty pounds for each taskable hand to this defendant's son William, which he this defendant much disapproved of as the said William was a near relation of the Complainant and had given so extravagant a price for the negroes

that he could never expect to pay their hire by their labor, but the said William persisted in his purchase; and this defendant further answering admits that the same negroes that were hired to the said William for the year one thousand seven hundred and eighty five after being duly advertised in the *Gazette* of the twenty third day of December of that year to be disposed of for the year one thousand seven hundred and eighty six at Savannah, the conditions of which were that the purchaser should give bond and warranty of Attorney to confess judgment thereon within twelve months for the hire of the Negroes that year, as by a copy of the advertisement will appear which this defendant thought might probably prevent his said son William from getting them a second year were knocked off at the enormous price of nineteen pounds twelve shilling and six pence for each taskable hand to Richard Leake, who immediately signed the conditions of sale in the name and on behalf of the said William McIntosh who was not present at the sale, this circumstance so much displeased this defendant that he hardly spoke to the said William his son for several years. The auctioneer after the sale according to the conditions thereof had the negroes appraised made out the Bond and warrant of attorney and presented them to the said William but could not prevail on him to execute them, who still had the negroes in possession; thus the Auctioneer was put off from day to day as this defendant was informed and believes, by the purchaser until that year was too far spent to advertise and sell them over again; and this defendant further answering saith that he repeatedly pressed the said William his son for a fulfilment of his agreement for the year one thousand seven hundred and eighty five which he never fully completed as well as for the payment of his bond for the hire of the Negroes for the year one thousand seven hundred and eighty four, and that he the said William frequently promised to discharge the greatest part if not the whole of the hire for the year one thousand seven hundred and eighty four and one thousand seven hundred and eighty five, when his crop should be beaten out, which he said was delayed in order to get his

land in order provided he was not sued for the same, otherwise he would keep the estate out of the money three four or five years if possible.

This defendant thus awkwardly and delicately situated by the imprudence and obstinacy of his said son William was determined to act against him with more decision than against any other person in a like situation, and accordingly having received no rice or other payment agreeably to promise from his son William he put the bond for the year one thousand seven hundred and eighty four and agreement for the year one thousand seven hundred and eighty five into the hands of James Jackson, Esquire, Attorney at Law, on the twenty sixth day of August one thousand seven hundred and eighty six to be immediately sued, Mr. Jackson was then the defendant's only counsel in all the transactions of the estate and advised this defendant to defer bringing the suits against the said William till the circulation of the paper medium ceased, as there were persons watching this defendant's conduct who would not hesitate saying that he sued his son William in order to favor him and to afford a pretence of paying the debt in paper money which was much depreciated and continued to be a legal tender till the guardians of the Complainant received the whole of the property of the Intestate and the sole direction of it out of the hands of this and the other defendant. This defendant further answering saith that in order to avoid the evils and inconveniences of the years one thousand seven hundred and eighty five and one thousand seven hundred and eighty six and finding that nothing could be made out of the negroes by hiring them, he with the other defendants to the Bill ventured for the year one thousand seven hundred and eighty seven to place them on the plantation of the Intestate situate on the Sapelo river, although the Indians were still troublesome but without tools, seed rice, necessities of any kind or money of their own or of the estate's in this unavoidable dilemma they were obliged to send two of the negroes to Savannah to be sold, but as no more than twenty five pounds was offered for each they were brought back again and a wench called Polly who was the wife of a fellow

belonging to Lachlan McIntosh the younger was purchased by him for fifty six pounds to be paid in corn, rough rice and seed potatoes which necessity obliged the defendants to accept without having time to advertise her according to law, whereby the rest of the Negroes were relieved, otherwise they must have been sent adrift for a subsistence and all prospects of a crop given up, the necessary delay occasioned by these circumstances with the bad order of the land laying waste for many years, without the necessary buildings and other accommodations required on a rice plantation reduced this year's crop to eighty barrels of rice with necessary provisions. And this defendant further answering admits that in the beginning of the year one thousand seven hundred and eighty eight there was a fine prospect of a crop but that early in that year the Indians began to kill and plunder slaves and other property all around the neighborhood of the plantation, which necessarily obliged the defendants to be at the expence of keeping a guard of white men constantly over the negroes rather than lose so promising a crop, and for the further security of the slaves which was still a greater object with the defendants than the crop itself they purchased a large Pettiagua boat to carry off all the negroes at once to the Island in case of any dangerous alarm which so frequently happened, that the crop this year netted only forty eight barrels which barely paid the heavy expence attending the culture of it. And this Defendant further answering saith that the year one thousand seven hundred and eighty nine was attended with nearly the same expence and trouble with the Indians, yet the crop netted ninety eight barrels of rice and plenty of provisions, seed rice and seed potatoes, as by the account hereto annexed and exhibited to the honorable Court will very clearly and regularly appear, all of which were in the beginning of the year one thousand seven hundred and ninety delivered to the Complainant's Guardians together with all the slaves mentioned in the inventory, except a Wench Polly sold for provisions as before is mentioned and a fellow called Billy who after being advertised according to Law was sold to Patrick Crookshanks for fifty seven pounds, who gave his note payable in ---- days

from the date thereof, which was put in Suit and Judgment obtained thereon which this defendant says is now of force; the reason for selling this Negro were because he was an idle fellow and a runaway and has since—as this defendant has been informed and believes shot in the woods. And this defendant further answering saith that the debts due and demands in favor of and against the estate of the Intestate as far as they have come within his knowledge will appear by the accounts hereto annexed and exhibited to this honorable Court and which he prays, together with the other accounts attached to them, may be considered as part of his answer to the Complainant's Bill. And this defendant denies all and all manner of combination and confederacy wherewith he stands charged in and by the said Bill of Complaint. Without that, that there is any other matter or thing material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered unto, confessed or avoided, traversed or denied, is true. All which matters and things this defendant is ready to aver and prove, as this Honorable Court shall direct and award, and hereby prays to be hence dismissed with his reasonable cost and charges in this behalf most wrongfully sustained—.

Matt. McAllister, Solicitor
for Def't L. McI.

10th Sept. 1793—

Lachn. McIntosh.

Sworn to this 11th Sept.
1793, before J. Houstoun.

Queries and Answers

Inquirer.—Is there anywhere to be found an account of the successful use of the cotton gin, invented by Elias Whitney, immediately after its invention?

At this time we cannot throw further light on this subject than the information contained in the following advertisement, published in the *Georgia Gazette* of Thursday, March 6, 1794. Phineas Miller, the advertiser, married the widow of General Greene.

COTTON GINNING.

The subscriber will engage to gin, in a manner equal to picking by hand, any quantity of the green seed cotton, on the following terms, viz., for every five pounds delivered him in the seed he will return one pound of clean cotton fitted for market.

For the encouragement of cotton planters he will also mention that ginning machines to clean the green seed cotton on the above terms will actually be erected in different parts of the country before the harvest of the ensuing crop.

PHINEAS MILLER.

Mulberry Grove, near Savannah, March 1, 1794.

Editor's Notes

The Georgia Historical Society is nearing the completion of its first century. Founded in 1839, it is now well in its eighty-first year. Some facts in its past history may well be told here at this time.

The first person to suggest its founding was Israel Keech Tefft, who was its first Corresponding Secretary, an office held by him for twenty-three years, from June 4th, 1839, to June 30th, 1862, when he died. He was officially out of office for a short period of two months (Dec. 12, 1853, to Feb. 13, 1854), when he had arranged to go abroad for a long stay, but his plans failed, and at the next annual meeting, after resigning his office, he was re-elected. During that short time the office was filled by his friend, Mr. A. A. Smets, another original member.

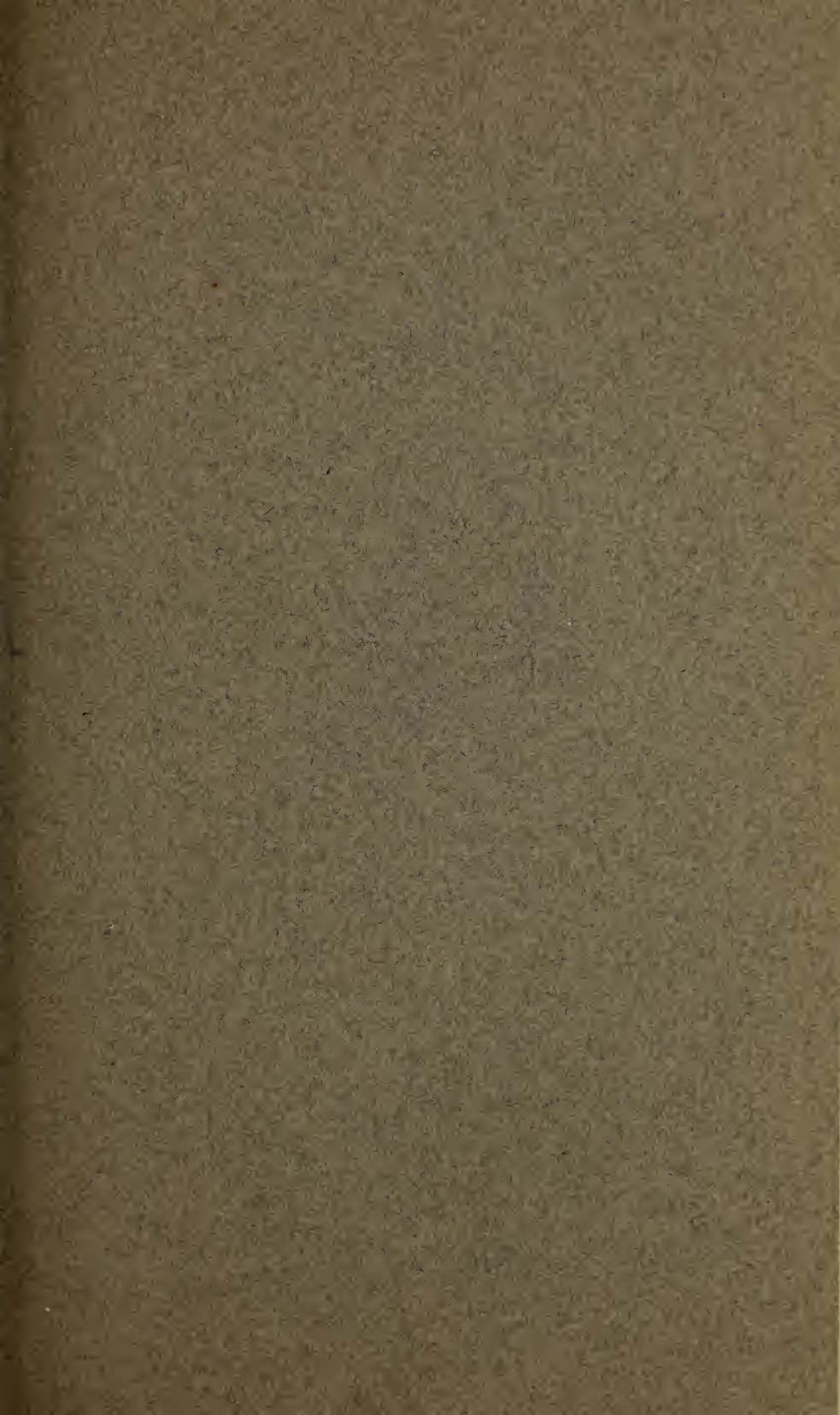
The long friendship between Messrs. Smets and Tefft was broken by the death of both, a very short time apart, the former dying May 9th, 1862, and the latter one month and twenty-one days later, June 30, as stated above.

Mr. Smets was Treasurer of the Society from February 12, 1855, to the time of his death, seven years and nearly three months.

Mr. Smets lived and died on the northeast corner of Bull and Jones Streets, in Savannah, while Mr. Tefft lived and died on the Southwest corner of these streets.

There is at this time only one member of the Society living who has been connected with it continuously from the year 1866; while there are only fourteen persons now living who joined before 1867, but resigned their membership. One of these, after an absence of many years, returned, and is again a member.

A fact well worthy of record is that the Society did not cease its activities during the War of Secession, but held its meetings regularly.



THE GEORGIA HISTORICAL QUARTERLY



PUBLISHED BY THE

GEORGIA HISTORICAL SOCIETY

SAVANNAH, GEORGIA

VOL. III No. 4

DECEMBER, 1919

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ONE DOLLAR A NUMBER

THREE DOLLARS A YEAR

The Georgia Historical Quarterly

Volume III

DECEMBER, 1919

Number IV

A Sketch of the Life of James Habersham

President of His Majesty's Council

In the Province of Georgia

By WILLIAM BACON STEVENS

William Bacon Stevens, the writer of the following paper, was born in the State of Maine, moved to Savannah, Georgia in 1837, and in 1839 he and his associates, Israel Keech Tefft and Dr. Richard Dennis Arnold, founded the Georgia Historical Society, and he was elected its first Recording Secretary and Historiographer. It was his intention to write a history of Georgia, and all the material possessed by the Society was placed at his disposal for that purpose. The work was completed during his residence in Georgia, and published in two volumes. Dr. Stevens left this State in 1848, went to Philadelphia, and became a Bishop in the Protestant Episcopal Church. He died June 11, 1887, and some years afterwards many papers, collected by him in the preparation of his history, and done up in a large bundle addressed to the Georgia Historical Society, were sent to the Library. Among the papers was found the following, in his writing, unfinished, and probably begun by him with the intention of making it a part of a voluminous life of Mr. Habersham. On the other hand, the sketch may have been completed and the missing sheets afterwards lost; and it is not at all improbable that the paper was read at some meeting of the Georgia Historical Society. We give it as it came to us, adding to it, briefly, some further facts in the life of that good man, James Habersham, bringing it down to the time of his death.—EDITOR.

James Habersham was born at Beverly,, in Yorkshire, England, at the close of the year 1712. His parentage was respectable, and his early education rather superior to that usually given to sons in moderate circumstances in provincial towns. He made some progress in Latin Classics; and his naturally strong mind would have enabled him to rise to an eminent station as a scholar, had he not early turned his attention to mercantile affairs under the direction of his uncle, John Habersham, a merchant of considerable eminence in London.

With this gentleman he remained several years, and his prospects were daily ripening into a desirable maturity when his views of life suddenly changed and new plans usurped the place of his long cherished designs. In 1736 Rev. George Whitefield went to London and though his youthful appearance as he preached the first time in Bishopgate church caused many to mock, his earnest eloquence and ardent zeal soon brought him into conspicuous view and those who were at one time disposed to revile the almost juvenile herald of the Cross were soon brought to feel the truth of what he uttered and conform to his religious teachings.

Mr. Habersham was early brought under his influence, and the following year on the announcement of Whitefield's intention of going to Georgia determined to go with him and cast his lot among the same people where his spiritual friend had determined to labour. His uncle and other friends opposed his views, but his resolution was fixed, and in the latter part of December, 1737, he and his brother embarked on board the transport ship *Whitaker*, Captain Whiting, with Whitefield who styles Habersham "his dear fellow traveller." It was nearly a month, however, before the ship got fairly at sea as they were detained by head winds at Margate and Deal, and January had nearly passed before a favouring breeze called the two friends on board and forever separated Habersham from his relatives in England. The vessel was bound to Gibraltar to take in soldiers for Oglethorpe's regiment, and stretching down the Bay of Biscay they arrived at Gibraltar in about three weeks and there refreshed themselves preparatory to their longer voyage across the Atlantic. Having filled up the complement of men under Col. Pat Cochran and Capt. Mackay, they directed their course toward the setting sun, and day by day for weary weeks and months they saw him sink behind the horizon to which they steered without the wished for haven presenting itself to their longing vision. Soon after leaving Gibraltar a sickness broke out among the crew and passengers, and though only two or three died nearly all were prostrated by its violence and felt the severity of its attack. Fearful storms also were

superadded to the invasion of disease, and the wind and waves in terrible majesty threatened their vessel with destruction and themselves with death, but from all these dangers they were preserved, the disease was arrested, the tempests were hushed and the green land for which their eyes had longed and their hearts desired greeted their delighted vision. It was on Friday, 5th day of May, 1738, that the ship arrived at Tybee, and on the evening of Sunday the 7th, Messrs. Habersham and Whitefield reached Savannah where they were warmly welcomed by Mr. Delamotte, one of the companions of the Wesleys, and who had occasionally officiated in the services of the church. Mr. Habersham did not embark for Georgia as an adventurer, to repair a broken fortune, or retrieve a sullied name, for in becoming the companion of Whitefield he sacrificed the considerations of wealth and the comforts of an abundant home. Writing in January, 1738-39, to his brother-in-law, Christopher Bagwith, Esq., of Whitby, Yorkshire, he says "you may perhaps blame me for this adventure and wonder at my folly in leaving England where I was so well and genteelly provided for. I will not pretend to give you any reasons to justify my conduct in this great change because I believe as they did not proceed from any outward cause but were entirely and only known to God and my own soul, will not, nay cannot, give you that satisfaction and appear in that light they did to me, especially as the advantages I proposed to myself were not of this world, for I was told when I left England that if I went to Georgia I must renounce all and trust only in God and follow Christ through many tribulations and trials; though I thank God I have found it otherwise, I have enough and to spare of this world's goods and as the Apostle says, 'having food and raiment, I am content and rejoice with exceeding joy that I left my native country'." And the same sentiments are expressed in a letter to his uncle, written a month later.

A warm convert to the views of Mr. Whitefield, and ardently longing to give to his zeal a suitable and efficient direction, he had cast the world with its emoluments of wealth and honor behind him, and was ready to devote himself to every duty

which he thought would glorify his divine Master and do good to man. Whatever may be thought of the religious views of Habersham we must concede to him a pure and elevated philanthropy and admire his noble purpose of dedicating himself to the moral and intellectual condition of the colony.

That no time might be lost in carrying into immediate effect the scheme originally devised by Oglethorpe and Charles Wesley of erecting an Orphan House on the plan adopted by the venerable Prof. Francke, at Halle, it was determined by Habersham and Whitefield that the former should at once open a school, gather children eligible to such an institution and get them into a regular course of tuition and discipline, while the latter proceeded on a tour for the collection of funds wherewith to effectuate his plan. With characteristic ardour Mr. Habersham immediately gathered around him a little band of "precious lambs," as he affectionately termed them, and in this truly honorable employment the teaching of the young, and officiating in the absence of Whitefield in the public services of the church, he passed the few first years of his sojourn in Georgia. How he regarded his efforts will be evident from his own word: "When I was in England," he says, writing to a friend in London under date 14th January, 1739, "my proud heart abhorred the idea of keeping a school, and I have sometimes tho't that I would rather choose to take up with the most mean and servile employment than a schoolmaster's. Alas! this proceeded from rank pride and the want of a sound judgment to discern what was really good. I looked upon schoolmasters as a set of men that made gain the sole end of teaching and that made education to consist only in outward accomplishments to enable men to go through their worldly business with greater facility and ease. This was the highest and best notion I had entertained of them, but I am now thoroughly convinced that I very much undervalued them, for they certainly are or may be capable of doing more towards the advancement of religion and consequently the public good, than any men I knew of except the clergy." That this is the true view of such an avocation let the efforts which have been recently made, a century after

this paragraph was written, by lyceums, by teachers' conventions, and by normal schools testify. Teachers, even more than clergymen, are stationed at the head spring of society, and according to the directions which they give to the youthful mind and the influences which they bring to bear upon its formation will be the destiny of manhood and age of domestic, social, civil and religious character. The sentiments of Mr. Habersham upon the subject of education were exceedingly wise and judicious, and prove him to have been a man of vigorous intellect, of sound judgment, and of a discerning mind. "Education," he writes, "is indeed come to a very low ebb and in many places the very intention of it is so perverted that instead of its becoming one of the greatest blessings, as God designed it, it is made to have the effect of a curse, because the whole of education is laid out upon forming the outward man, making it appear to have all virtues, while the mind lies starving and has the reality of one virtue. Thus, children are taught to be hypocrites as soon as they can speak, and this grows up with them and fastens rich images of false virtue so strongly upon their minds that they will at least impose upon themselves and think that humility which may be rank pride, and that honesty, which may be down right knavery." At the time of the arrival of Habersham, and for a few years subsequent, the situation of the colony was peculiarly distressing. Not only were the inhabitants at war with the Spaniards at Florida and constantly alarmed by rumours of invasions and defeat, not only were they menaced with Indian eruptions instigated by the French at Appalachee and Mobile, but the strife and discord of party spirit were eating out the very vitals of the settlement, and fast reducing it to a state of atrophy and ruin arranged under two great heads, the friends and the foes of the Trustees, the people carried on their intestine feud with an acrimony and bitterness which respected neither rank nor character. The magistrates were arrayed against each other, the sanctity of the church was prostituted to a miserable partisanship, men, women and children were suborned to certify either to the benefit or the calamities of the colony. The violent denuncia-

tions against Oglethorpe were reiterated in his own ears, the plans of the Trustees were assailed by a hundred tongues, the powers of the magistrates set at nought and misrule bordering on anarchy paralyzed the efforts of friend and added pungency to the vituperations of enemies. Amidst these distressing turmoils Mr. Habersham quietly pursued his duties, prudently avoiding the disputations around him and never suffering himself to be entangled by the toils which both parties had spread to ensnare him. In this he exhibited both his wisdom and his strength, not that he was influenced by the fear of either, but that he rose superior to both. The condition of the colony engaged his most anxious thoughts, and while he conceded to the Trustees the most laudable motives, he saw the futility of their schemes and endeavored to remedy evils by judiciously pointing out their existence.

His letters upon the subject of colonial disputes were well and forcibly written, and evince great clearness of conception, and understanding of the principles of government and an intimate acquaintance with the actual condition of the province. Nerved by the approbation of a good conscience he wrote with a freedom and boldness which, while it startled, commanded respect, and while it probed the wound showed that it was done by one who could prescribe the balm of healing. His independent course drew upon him the disapprobation of both parties and the schoolmaster, as he is tauntingly called by Stevens, was often the theme of invective and reproach. Amidst all this he quietly pursued his course with unwavering diligence and lived down the calumnies of his enemies by his consistent and upright life. Having procured from the Trustees a grant for eight hundred acres of land which Habersham describes as situated upon the salts in the midst of the settlement, about nine miles from town, "the best place I have seen for the Orphan House," he proceeded at once to collect material and erect a dwelling.

It was the original intention of Whitefield before he left England to take in only 20 orphan children, but finding on his

arrival in Savannah so many objects of charity he enlarged his design so as to comprehend all the necessitous children around him.

Such was the energy used by Habersham, notwithstanding all the disadvantages of the colony and the place, that on the 3rd November, 1741, in about a year after the selection of his site, he was enabled to remove the children to the house which he named Bethesda, believing that it would prove what its name indicated, a House of Mercy. At this time in addition to the care of 20 or 30 children he superintended an equal number of workmen in the erection of the building, occupying as yet the outhouses only, the main dwelling having been retarded in consequence of the capture by the Spaniards of a sloop loaded with bricks and other material for Bethesda.

He also at this time planned and directed the making of the first road cut in the colony extending from the Orphan House to Savannah,* and in addition to all these labours maintained a voluminous correspondence with a great variety of individuals in America and England, and of every grade from His Majesty's Governors and the Bishops' commissary to the Religious Society of Soldiers at Gibraltar and the prisoner in the loghouse. These labours proved too onerous for his frame already wasted by a distressing disease and he was several times laid aside by its violent recurrences. For years he was the victim of frequent and intense physical suffering which the heat of summer was sure to increase, though the return of winter brought a temporary alleviation and repose. Indeed he was several times tempted to return to England or emigrate to the north as the only hope of obtaining permanent benefit, but having laboured thus long he was anxious to remain and gather in the ripening harvest which he saw growing up around him, the first fruit of his self-sacrificing devotion. These frequent indispositions were not without their salutary effect, for while he felt with Archbishop Leighton that "this poor life is all along nothing but a linked chain of many sorrows and many

*This is a mistake. The roads to Darien and Augusta were both laid out before this, and it is probable that other short roads, running to various plantations, were in actual use before the founding of Bethesda.

deaths," he also experienced the truth of the forcible simile of Watts that "Physical infirmities, like breaks in a wall, let in the light of divine truth into the imprisoned soul and make it long for its release." Such was emphatically its effect upon himself. His piety based on the theological views of Whitefield's was like Whitefield subject to extreme mutations oftener in a transition than a quiescent state. But whether contending with Giant Despair in Doubting Castle or standing with the Shepherds on the Delectable Mountains, he was the same scrupulous, conscientious and upright man. With him religion occupied no secondary place and though his christian rectitude so diverse from the devious course of those around him exposed him to much malice and opposition, he firmly and unmoved endured every reproach and compelled respect where violence had been threatened. Bethesda speedily prospered under the wise administration of Habersham. The number of children increased, the artisans employed were faithful in their work, the buildings reared by the hand of Charity in a colony of charity daily grew into shape and beauty, the spirit of the institution was gradually developing and its benefits were becoming sensibly apparent. Having satisfactorily arranged the affairs of the Orphan House he turned his thoughts to the formation of his own domestic establishment and at the close of 1740 was united by Rev. Mr. Whitefield to Miss Mary Bolton, daughter of Robert and Ann Bolton, of Philadelphia. He was by Mr. Whitefield esteemed too young for the charge he must necessarily assume, but Mr. Habersham said "that was no objection with me as I well knew her pious prudent behavior exceeded those of twice her years," and in his communication to her parents announcing their marriage, he fervently writes: "I bless God from my heart for bringing us together. My love to her increases daily and the more I know her the more I love her and the more reason I have to be thankful." The influence of this union was highly beneficial, it broke up those austere habits which were gradually fastening upon him; it gave more symmetry and proportion to his religious character and gathered

around a heart wounded and sore from the rude conflicts of opposition the kindly influences of home and the chastened pleasure of the domestic circle.

In Mrs. Habersham was beautifully patterned forth the christian wife and mother. Her whole life was a blessing to her husband, and her character a bright example to her children. Often did Habersham speak of her with enthusiastic admiration and throughout the long and troublous years of their existence she made his home a Goshen of affection, and was herself the attractive centre of its happy circle.

But the quiet of Bethesda was not long undisturbed. In the malicious persecution to which the religious opinions of Habersham rendered him obnoxious, the magistrantes, though they dared not make a direct assault upon his character, endeavored to harass him and entoil him in some indiscretion which would expose him to legal measures by threatening to place the Orphan House under their supervision, and taking in their own hands its entire control. To effect their object, false representations were widely circulated. The Trustees were told that the manager of Bethesda was opposed to their scheme of silk culture, which greatly incensed that honorable body, and Parliament was assured that it was but a Methodist school for the training up of children "on Methodist principles." The magistrates claimed the right to appoint and to remove from the institution at pleasure, to direct its internal policy and to apprentice the children at a suitable age to those whom they should choose to be the masters of them. This Mr. Habersham resisted; the dispute engendered much acrimony and fully developed the malign views of the Bailiffs who determined to thwart if they could not crush an institution, the influence of which was an ever torturing rebuke to their unjust proceedings. Oglethorpe, the Trustees, and Parliament, misguided in their information, leaned for a time toward the measures of the magistrates, but after a careful survey of the whole subject they recovered a proper tone of feeling, censured the assistant and indicated and confirmed the course of Habersham. The prejudice of Oglethorpe, now dissipated, were supplanted by a

pleasing personal and epistolary intercourse in which Habersham beautifully blended the courtesies of the gentleman with the candor of the christian, and while he conceded to him that respect which was justly his due he scorned to flatter his pride or lend himself to a servile and fawning sycophancy. The distinguished founder of Georgia received from the pen of Habersham many lessons which, had he duly practiced, would have elevated the colony from its depression and made it the joy and the praise of its numerous benefactors.

Under date of Bethesda, 1st August, '41, he thus writes to Oglethorpe and saw the justice and felt the value of his calm but judicious remonstrance. He understood the temper and spirit in which they were written and saw in them neither the promptings of jealousy nor the petty bickerings of revengful malice. The truly great mind rises above the angry paroxysms which assail the weak more fully at the expense of his error and instead of expending his feelings in useless irritation sets himself at once to the work of reformation.

To err is human, but to profit by "the faithful wound of a friend" is one of the highest ends of human wisdom. Habersham saw that many of the plans of Oglethorpe were futile, that others were of a doubtful tendency and some absolutely ruinous, with a knowledge of Oglethorpe's character then remarkably clear and accurate and with a high estimation of his worth. Habersham felt that he more nobly did his duty by a plain statement of truths, however unpalatable, than by artfully deceiving where deception was ruin.

In December, '41, the house contained 23 English, 10 Scotch, 4 Dutch, 5 French, 7 American, 27 English orphans, 16 boys and 26 girls. All objects of charity except 3. The general condition of the establishment may be inferred from extracts of Habersham's Letters to Gov. Belcher of Mass., and Hugh Bryan of South Carolina.

The threatened invasion of the Spaniards in 1742 created much excitement and alarm at the Orphan House. Situated on the frontier of the Savannah settlement at a distance from any fort, with no means of self defense, it was peculiarly ex-

posed, and its inhabitants underwent many and painful trials on the occasion. In a letter to Whitefield Habersham details their situation.

After his return to Bethesda he renews his correspondence with Oglethorpe. A change was now to take place in the situation of Mr. Habersham by which his more immediate connection with the Orphan House ceased, though his interest in it remained firm and undeviating. To this change he had long been urged, but repeatedly declined until the necessities of the place seemed so great that he was at last induced to form a partnership with Mr. Francis Harris and established in 1744, under the firm of H. & H., the first commercial house in Savannah.* For the first few years their trade was mostly with the Northern colonies where their credit was good and their mercantile reputation high. Success prompted more extensive operations, and in 1747 they established a correspondence in London and began the system of direct importation. The principal exports at that time were pitch, tar, rice and peltry, and they hoped by furnishing an early and accessible medium of conveyance to encourage the growth of indigo, and, by adding that to the list of staple products, turn towards America a large portion of the 200,000 pounds which England annually paid France for that article.

The difficulties consequent on the establishment of such an enterprise were neither few nor trivial. From the produce of the colony but little could be expected.

Agriculture was greatly neglected. Negroes were not allowed for the carrying on of large plantations and that which was raised was not even sufficient for their own consumption, being entirely supplied with several necessary articles of food from Carolina. The Indian trade was unsettled and fluctuating, owing to the fact that the furs brought to Savannah had to be shipped to Charleston at an expense of 7-6 stg. per hundred

*Notwithstanding this statement, which has been often repeated, the Georgia Colonial Records show that the mercantile establishment of Minis & Salomons existed in Savannah as far back as December 29, 1736, and that the firm name was changed to Abraham Minis & Company in 1740.

where they were subject to a custom house duty of 1 shilling per skin, making a total of expense of nearly 30 shillings per hundred.

The object, then, of Habersham was:

1st. By opening commercial intercourse with other places, to excite greater attention to agriculture, so that the staple products of the colony might be raised in sufficient quantities for exportation.

2nd. To draw towards Savannah the trade and produce of the lower part of Carolina contiguous to Georgia.

3rd. To prevent the onerous charges incident to the Indian trade by clearing hides and furs directly from Savannah; and lastly by inducing ships to visit the place, to call around them the various artizans requisite for a sea port and drawing from the necessary expenses of the vessels a large revenue for the improvement of the colony.

The views of Mr. Habersham upon these topics are elaborately given in a letter to Mr. Bolzius.

While thus joyful in the exercise of his vocation with a soul growing in grace and enlarging under the rich experience of heavenly goodness he was called to suffer a severe affliction in the loss of his brother, who had settled at Frederica.

To this brother a few months before occurred one of those incidents which transpire in nearly every newly settled colony and which excite the sympathy and unite the efforts of friend and foes in the great cause of humanity. On Thursday the 3rd of August, 1738, he accompanied Rev. Mr. Whitefield on his way to Frederica as far as Vernon river, and returning thence he missed his way, and finding some difficulty with one of his horses, left one tied to a tree near a swamp and reached home after much labor next morning, though the distance to Vernon river was only 10 miles. The continuation of the story I give in the words of Col. Stephens as recorded at the time in his journal, Vol. 1, page 258.

"Wednesday, August 9, 1738. A trading boat, bound for Charles-Town, from New Windsor, arrived, by whom came one of our principal licensed traders who reported that the Creek

Indians among whom he lived were in a very good disposition and hearty towards us. An accident happened which it was feared might prove of fatal consequence. Upon Mr. Whitefield's going for Frederica, he rode as far as Vernon river, taking Mr. Habersham, the schoolmaster's brother, with him, with intent that he should bring the horses back, while he himself proceeded by water, but the young man, missing his way home, and getting into a swamp through which he could not get his horse that he had to follow, he left him tied to a tree, and with difficulty got home in the morning, after much wandering and fatigue. A day or two after he took two people of the town out with him to try if he could get the horse which he left tied; but whereabouts it was he could not tell, which occasioned them to ramble far and wide from each other, till at length they could not tell how to meet again; and the townsmen at length returned home again, hoping to find Mr. Habersham there also. But nobody hearing anything of him yet, since he and his companions parted yesterday in the forenoon, his friends, with reason, began to be alarmed, and all good people wished to give what assistance they could. Night was coming on, and Mr. Causton being not in town Mr. Parker and I thought it advisable in such an emergency to get some damaged powder out of the stores, and ordered a gun to be fired now and then at a small distance of time (once in an hour or less) so that if happily he was within hearing it might be a guide to him what course to take. Then we sent to get two or three Indians ready against morning, and several active men with horses engaged to be ready very early, by whose joint endeavors we hoped some good would come of it; which was all could be done instantly, the sky being very dark.

"Thursday, 10. The horsemen went out several ways towards those parts where the man had lost himself, and continued their search all day, firing pistols, and calling frequently on each other; but returned in the evening without success, and the Indians who went out with them continued abroad all night, endeavoring to find some track of him; but our hopes began to fail of making any good discovery——.

"Friday, 11. ——— The young man who was about given over as lost was at last happily found again, wherein Providence seemed in a particular manner to show itself. One of the inhabitants of Hampstead, who, among others, had been seeking him two days in vain had so strong an impression made on him in the night that he could not rest; wherefore, going out again this morning, in a short time, upon firing his pistol, he heard the poor man make a faint answer, and then he soon came up with him. He had been three days bewildered in a swamp which was on this side of Vernon river, the largest in all the country, and in many places impassable, but was now got within a small distance of Hampstead, which was more than he knew, and being quite spent he was laid down, expecting never to have risen again, when he heard this honest man's gun, who carried him to his home, gave him milk and what he had, and then came and acquainted his friends with it, who went and brought him joyfully to town."

The death of this young man afterwards who was a sincere christian "all affability, love and humility," as his brother terms him, was a severe blow to Mr. Habersham who was now left in America without one single tie of consanguinity to bind him to its shores. But while he mourned his loss he rejoiced in his brother's gain, believing from the evidence of his life that he had exchanged earth for the blessedness of Heaven.

Here ends the Stevens manuscript. The subsequent career of Mr. James Habersham will now be briefly related, in order to have all the important events in his life brought together in an unbroken account.

A fact worthy of mention as showing the honorable character of Mr. Habersham is told in connection with his qualifications as a man of business. In response to an appeal from the Rev. Mr. Bolzius, the Salzburger minister at Ebenezer, for information on the subject of agriculture and commerce, Mr. Habersham consented to write a letter expressing his views, with the understanding that, as in doing so he would have something to say concerning a number of men of influence in Georgia and advert to the plans of the Trustees, without having the

consent of those interested, the contents of the communication be considered confidential. Urged to modify his conditions he agreed to let Mr. Bolzius furnish a copy of the letter to a friend in Germany, and that friend sent a copy to the Trustees, which act, of course, caused Mr. Habersham to believe that displeasure, at least, would be expressed by that body; but, to his surprise, his knowledge was recognized, and his ability so clearly shown that his appointment as Assistant to the President of the Province of Georgia quickly came.

Shortly after, in 1750, he and Pickering Robinson were made commissioners to look after the matter of the culture of silk in the colony, in a renewed effort to make it, as at first intended, one of the chief industries.

The next step in his promotion was his appointment, while John Reynolds was Governor, in 1754, as Secretary of the Province and a Councillor; and in 1767 he was advanced to the office of President of the Upper House of the General Assembly.

The highest position reached by Mr. Habersham was that of Acting Governor of the Province of Georgia which he attained in 1769, when Sir James Wright, the Governor, went to England on leave of absence. By the term of the commission issued to Governor Wright it was declared that "upon the death, or absence, of the Governor, the eldest Councillor whose name is first placed in his Majesty's instructions shall take upon him the administration of the Government," and Wright named Habersham as the man, asserting that he was "a gentleman of property, and no Liberty Boy." He received the appointment, and his conduct during the time he was at the head of the government gave satisfaction to those above him in the mother country. Realizing the responsibility resting upon him, he thus addressed the Assembly on the 29th of April: "I am very sensible of the high and important post committed to me, which calls for the utmost of my best abilities to discharge, so as to approve myself to our most gracious Sovereign, by promoting the true interest and prosperiay of his good subjects in this Province, to effect which you may depend on my most sincere and unwearied endeavors. My long residence in this Province, and

the strong attachment I must have for its welfare from motives obvious to you must make it extremely grateful to me to be in the least instrumental in furthering its growing prosperity."

As showing his regard for certain rights of the colonies, while holding a deep feeling of loyalty for the mother country, the following passage is taken from a letter he wrote to the Earl of Hillsborough on American affairs. He admits the right of Parliament in some respects, but seems to doubt the propriety of asserting those rights to the fullest extent, and asks "whether it would not be expedient to make some alteration in the Constitution relative to America."

From this period he had the same troubles which later on devolved on Sir James Wright when the latter returned to Georgia from England. It is not possible here to give in detail the account of his disagreement with the American party in the Legislature on the question of the election of a Speaker and the right of the representatives of the King to negative the vote of the Assembly. When the Assembly met their choice of a Speaker was Dr. Noble Wymberley Jones, a man who was outspoken in his opinion of the unjust dealings of England with the colonies. For that reason Mr. Habersham informed the two gentlemen of the Assembly sent to notify him of their choice that he would not recognize the appointee, and instructed them to choose another. Dr. Jones was again elected, and again Mr. Habersham negatived him. The next day Mr. Habersham went to the Council Chamber, fully intending to dissolve the Assembly, unless his demand for a different Speaker should be complied with; but he was informed that, in the meanwhile, Mr. Archibald Bulloch had been elected, the message, however, not apprising him of the fact that Dr. Jones had been a third time chosen but had, under the circumstances, declined. Having approved of the choice of Bulloch without knowing the full particulars, on hearing of the persistent action of the Assembly up to the refusal of Dr. Jones, Habersham informed that body that he would not approve of Mr. Bulloch's

election until the record of the third choice of Jones had been expunged from the minutes, and the result was that he dissolved the Assembly.

In the year 1775, when South Carolina resolved to hold no intercourse with Georgia because the latter declined to become a member of the American Association and to take part in the proceedings of the Continental Congress, Mr. Habersham thus expressed his views to a friend in London :

“Savannah, Ga., April 17, 1775.

“The fiery patriots in Charleston have stopped all dealings with us, and will not suffer any goods to be landed there from Great Britain, and I suppose the Northern Provinces will follow the example.

“The people on this continent are generally almost in a state of madness and desperation ; and should not conciliatory measures take place on your side, I know not what may be the consequence. I fear an open rebellion against the Parent State, and consequently among ourselves.

“Some of the inflammatory resolutions and measures taken and published in the Northern colonies, I think, too plainly portend this.

“However, I do most sincerely upon every occasion declare that I would not choose to live here longer than we are in a state of proper subordination to, and under Great Britain; although I cannot altogether approve of the step she has lately taken, and do most cordially wish that a permanent line of government was drawn and pursued by the mother country and her children, and may God give your Senators wisdom to do it, and heal the breach, otherwise I cannot think of the event but with horror and grief—father against son, and son against father, and the nearest relatives and friends combating with each other ! I may, perhaps, say with truth, cutting each other’s throats. Dreadful to think of, much more to experience.”

At the time the foregoing was written it is probable that the writer of those words was aware of the weakness of his physical system. It would seem, from all the references to his

health in the documents available, that he was not a robust or strongly built man. He went North for the benefit of his health in the summer of that year, 1775, and Sir James Wright wrote to the Earl of Dartmouth, July 10, "Mr. Habersham is gone to Philadelphia for the recovery of his health," and on the 1st of November he announced his death to the same person in these words: "Ten days ago I had an account of the death of Mr. Habersham, one of his Majesty's Council and Secretary of this Province." Mr. Habersham's death occurred August 28, 1775, at New Brunswick, New Jersey.

Two Georgia Patriots: Abraham Baldwin and James Jackson

ABRAHAM BALDWIN

From the National Intelligencer

Mr. Baldwin

Our last number announced the death of Abraham Baldwin, Senator from Georgia. The annals of our country have rarely been adorned with a character more venerable or a life more useful than his. War brings its animation, and creates its own heroes; it often rears them up to fame with as little assistance from native genius as from study, or from moral and political virtue.

It is in times of peace that an illustrious name is hardest earned, and most difficult to be secured, especially among enlightened republicans, when an equality of rank and right leaves nothing to the caprice of chance; where every action is weighed in its proper balance, and every man compared not only with his neighbor but with himself; his motives being tested by the uniformity of his measures.

Mr. Baldwin was born in Connecticut in November, 1754, and received his education very early at the University at New Haven. He was one of the best classical and mathematical scholars of the age in which he has lived. He was employed as one of the professors in this college during the greater part of the American war, at the close of which he began the practice of law, and went to establish himself in the State of Georgia. He arrived at Savannah in the beginning of 1784; he was immediately admitted a counsellor at the Georgia bar, and in three months afterwards he was elected as member of the State Legislature. During the first session of that body after his election he performed a service for the people of the State, for which their posterity will bless his memory. Indeed, if he had done nothing

for them since, this action alone would have immortalized him there. He originated the plan of the University of Georgia, drew up the charter and with infinite labor and patience, in vanquishing all sorts of prejudices and removing every obstruction, he persuaded the Assembly to adopt it. This instrument endowed the University with forty thousand acres of excellent land, required it to establish one central seat for the higher branches of education, and a secondary college in every county in the State; all dependent on the principal seminary.

These lands were the uncultivated; the State itself was new. It is only within the last six years that the rents of the University lands have enabled the trustees to erect the buildings and organize the institution; and it is already in a flourishing condition. Its principal seat is at Athens, on the Oconee river. It is now under the direction of Josiah Meigs, its first President; a man equally eminent for mathematical and chemical science, and legal and classical erudition.

John Milledge, late Governor of the State, and now Senator in Congress, early associated his labors with those of his friend Baldwin in bringing forward this establishment, and we understand that the present trustees have erected, within the walls of the first college, a marble monument to Baldwin, as founder of the institution, and to Milledge, his associate.

This is not the only instance in which we find their names connected by monumental acts of public authority. Milledgeville is the shire town of Baldwin county, and is now declared the seat of State government.

Mr. Baldwin had not been two years in Georgia when he was elected member of Congress. This was in 1785, to take his seat in 1786. From that time till the day of his death he was, without a moment's intermission, a member of Congress from that State, either as delegate under the old Constitution, until the year 1789, representative under the new until the year 1799, and Senator from that time till his death. And the term for which he was last elected had still four years to run from the 4th of March, 1807, the day of his decease.

There has probably been no other instance of such a long and uninterrupted series of confidence and service among the members of the American Congress. And, what is more remarkable, on the first day that he was confined to his house, in his last illness, he told his friends that during his twenty-two years of public service, that day, according to his best recollection, was the first that he had been absent from his public duties.

Mr. Baldwin was a member of the Convention that framed the present Constitution of the United States. This he always considered as the greatest service that he ever performed for his country, and his estimate is doubtless just. He was an active member of that most illustrious and meritorious body. Their deliberations were in secret; but we have good authority for saying that some of the essential clauses of the invaluable, and we hope everlasting compact, which they presented to their country, owe their origin and insertion to Abraham Baldwin.

His manner of conducting business is too well known to his fellow laborers, and to the great mass of his contemporaries, to require any illustration in this hasty biographical sketch. He may have wanted ambition to make himself brilliant, but he never wanted industry to render himself useful. His oratory was simple, forcible, convincing. His maxim of never asserting anything but what he believed to be true could not fail to be useful in carrying conviction to others. Patient of contradiction, and intolerant to the wildest opinions, he could be as indulgent to the errors of judgment in other men as if he had stood the most in need of such indulgence for himself.

During the violent agitation of parties which have disturbed the repose of public men in this country for the last ten years, he has always been moderate, but firm; relaxing nothing in his republican principles, but retaining all possible charity for his former friends who may have abandoned theirs. He has lived without reproach, and has probably died without an enemy.

The state of society would be rendered much better than it is if the private lives of virtuous men could be as well known as their public lives, that they might be kept clearly in view as

objects of imitation. We are creatures of habit, and our habits are formed as much by repeating after others as after ourselves. Men, therefore, mistake a plain moral principle when they suppose it meritorious to conceal their good actions from the eye of the world. On the contrary, it is a part of their duty to let such actions be known, that they may extend their benefits for a sort of reproduction, and be multiplied by imitation.

Mr. Baldwin's private life was full of beneficent and charitable deeds which he was too studious to conceal from public notice. Having never been married, he had no family of his own, and his constant habits of economy and temperance left him the means of assisting many young men in their education and their establishment in business. It would, perhaps, be improper for us to mention particular cases beyond his father's family, but in that there was an ample field for his benevolence. Six orphans, his half brothers and sisters, were left to his care, by their father's death, in the year 1787, and the estate that was to support them proved insolvent. He paid the debts of the estate, quit-claimed his porportion to these children, and educated all, in a great measure, at his own expense. The five, out of the six, who are still living are well established in life, and owe everything to his paternal affection.

His last illness was so short, and his death so unexpected, that none of his relatives, except his brother-in-law, were able to be present at his funeral. But it seemed as if the public in general were his near relatives.

We have rarely witnessed more general and genuine marks of respect at the loss of any of the great benefactors of our country, particularly among the members from Georgia. In that State his loss will be most deeply felt, though it must be very sensibly perceived in the councils of the nation.

Though his funeral was two days after Congress dissolved, many members stayed expressly to attend it. The procession was five miles, from Capitol-Hill to Rock-Creek Church, formed by the Vice-President of the United States, a number of the Senators and Representatives and the heads of departments. Chief mourners, Joel Barlow, brother-in-law of the deceased;

Governor Milledge, his colleague of the Senate, and Mr. Early, Representative from Georgia. His remains were deposited by the side of his old friend, Gen. Jackson, his colleague, whom he had followed to the grave just one year before. The two chaplains of Congress attended, and the funeral service was performed by Mr. Sayre.

A reprint from the *Republican and Savannah Evening Ledger*, Saturday, March 28th, 1807.

JAMES JACKSON

From the *Columbian Museum and Savannah Advertiser*,
Wednesday, April 9, 1806.

COMMUNICATION.

Died, at the City of Washington, on the 19th of March last, in the 59th year of his age, the Honorable James Jackson, a Senator from this State in the Senate of the United States, and Major General of the First Division of the Militia of Georgia.

On this event, a message from the Senate to the House of Representatives announced the death of this highly esteemed citizen. A committee of arrangements was formed for his interment, which took place with all the ceremonials and respect due to the rank and character of the deceased; both Houses having unanimously agreed in the words of the resolution of the House of Representatives, to wear mourning for one month "in testimony of their respect for the memory of that distinguished patriot."

This expression of the will of the National Representatives is at once an eulogy on the occasion; and evidence of the high opinion entertained of the virtues and talents of the deceased. What more can be said than to reiterate "that a distinguished patriot is no more."

Some few biographical sketches may be satisfactory. General Jackson was a native of Devonshire in England, and came over to this State at an early period of his life. Following the bent of his genius, he engaged immediately in the study of law, in the pursuit of which he continued until the year 1775, when the seeds of the American Revolution in this State first burst forth. Among the foremost of our young citizens who stepped forward in support of the American cause, we find *him* a private in the Volunteer Light Infantry Company of Savannah, opposing in that early stage the invaders in 1776 of the rights of his adopted country. Having acquired by his decision and

courage the confidence of his associates, his promotion to the command of the company soon followed, together with an appointment to an office in civil affairs of the State. These marks of the confidence of his country, added to the natural ardency of his temper, made him press forward with incessant and persevering exertion, in defense of the State, during the most gloomy period of American affairs, and we trace him in various and repeated conflicts with the enemy, both in this State and in South Carolina, particularly in the defeat of Col. Campbell on Ogeechee, and on many other occasions whilst he commanded the State Legion in this State and in the battles of Blackstocks and the Cowpens, in South Carolina, where he acted as Brigade Major, and where the American arms were crowned with brilliant success.

To rescue his country from the possession of the enemy, by whom it was at that period almost totally overrun, he was appointed by the Legislature, then convened at Augusta, to the command of a legion of horse and infantry, denominated the Georgia Legion, and which he organized with promptitude. In this duty of enterprise and exposure he is deservedly estimated as an officer of courage and merit, and in the vigilant discharge of which he continued until the evacuation of Savannah, in 1782. A general peace soon following, he devoted himself to his profession, in which he was successful, able and upright. On the organization of the State Militia, he was appointed to the command of the Chatham Regiment, afterwards a Brigadier of the State, and ultimately the Major General of the First Division.

Equally zealous for political as for civil rights, he was repeatedly elected a representative in the State and National Legislatures, and called to the Senate of the Union, in all which capacities he was uniformly active and zealous in support of the rights of the people. A period arriving when his services were required at home, he resigned his seat in the Senate, and upon an urgent and important occasion appeared again with uncommon applause in the State Legislature and convention—the intrepid assertor of measures that tended to restore those rights

which the corruption and venality of the times had wantonly trampled upon. Having with the support and assistance of his equally independent friends succeeded in the suppression of the most injurious proceedings, he was elected to fill the executive chair of the State, the important duties of which, as Governor and Commander-in-Chief, he discharged with firmness, integrity and general satisfaction. A vacancy happening in the Senate of the United States, General Jackson was a second time called to that dignified station, in which office, and at his post, he died. True to his principles, he was in every station a zealous advocate of pure representative government; viewing with a jealous and vigilant eye the rights of elections, and detesting those baneful speculations, on public property, so destructive to the rights and morals of the people. He was warm in his friendships, affectionate in his family, and industrious in all his pursuits. Scrupulously exact in the discharge of his public functions, every private consideration was waived when in competition with what he deemed his duty; holding it sacred that where he promised he ought to perform. From this long train of services, then, from the general confidence placed in him; the uniform integrity and ability which characterized his career, we cannot but deplore the "death of this distinguished patriot."

An affectionate wife, with four sons, brothers and relatives by whom the General was greatly beloved, will sensibly feel his loss.

Queries and Answers

R.E.B.—Is it true that General Oglethorpe was offered the command of the British army at the beginning of the Revolutionary War, and that he declined the honor because he was unwilling to fight the people of a colony of which he was the founder?

This story, which is doubtless untrue, was told by Hugh McCall in his *History of Georgia*, vol. 1, page 325, and by George Bancroft, in his *History of the United States*, vol. 3, page 166. McCall gave as his authority for the statement "The Annual Register," and Dr. T. M. Harris, referring to the subject in his "Biographical Memorials of James Oglethorpe," says: "After careful searching, I do not find the statement * * *. I must doubt, however, that an official offer was made to him, as he was too old to engage in such service; and deem the statement not sufficiently authenticated to be relied on."

B. H. W.—Can you tell me how Colonel's Island, in Liberty County, got its name?

The name of this island was originally Bermuda Island, supposed to have been so called because of the luxuriant growth of the Bermuda grass on it. We do not know when the present name was bestowed upon it, but we are of the opinion that it was about 1748, as, on the 22d of September of that year, the Court of President and Assistants allotted to Lieutenant-Colonel Alexander Heron, of Oglethorpe's Regiment, a tract of 500 acres in the colony, and he settled on Bermuda Island. It is the belief of some persons that it was called by the name of Colonel because it is well known that at various periods settlers bearing that title occupied land there. As many of the references are to "The Colonel's Island," it is reasonable to infer that it got its name from the fact that Colonel Heron was the first of that rank to settle on it. Indeed, the following item of information apparently fixes the matter:

In the *Georgia Gazette* of Saturday, December 7, 1797, John Jones, Sheriff of Liberty County, advertised land for sale "on Heron's Island, now know as Colonel's Island."

Editor's Notes

Just a century ago that delightful collection of literary productions known as "The Sketch Book," containing such never-dying popular compositions as "The Legend of Sleepy Hollow," and "Rip Van Winkle," written by Washington Irving, using the name "Geoffrey Crayon," was first published, and made its author famous. Twenty years after, shortly following the founding of the Georgia Historical Society, Mr. Irving was elected an honorary member of the new organization. That he was well pleased with the Society's action we are certain, having the assurance of that distinguished man in the following characteristic letter, written to Mr. Tefft, the Society's Corresponding Secretary:

"Greenburgh, July 21st, 1839.

"Dear Sir:

"I have to acknowledge the receipt of your letter of the 9th instant, informing me of my being elected an honorary member of the Georgia Historical Society.

"I beg you to express to the Society the grateful sense I entertain of this very flattering mark of their esteem.

"With best wishes for the prosperity of your institution, I remain, dear sir,

"Very respectfully

"Your ob't serv't,

"(Signed) WASHINGTON IRVING."

Another very popular American author was, at the same time, elected one of the Society's honorary members. This was the novelist and historian, James Fenimore Cooper.

Miss Mary E. Phillips, in her volume, "James Fenimore Cooper," published in 1913, wrote (page 281): "On July 8, of this year (1839), Cooper was made a member of the Georgia Historical Society, and the following autumn 'Mercedes of Castile' came from the press."

In acknowledging the honor conferred upon him, Mr. Cooper wrote this letter to Mr. Tefft:

"Otsego Hall,

"Cooperstown, July 29, 1839.

"Sir:

"Your communication, containing the information that the Georgia Historical Society has done me the honor to elect me a member, has just reached me.

"I beg you to acquaint the Society with the high sense I entertain of its compliment, and with my acceptance of the distinction, together with my grateful acknowledgments.

"As I ascribe the honor to my own recent little attempt in history,* I shall ask the favor of the Society, as soon as a second and *corrected* edition of the work appears, to place a copy of it in its library.

"Will you permit me also to thank you for the trouble you have taken in this matter, and believe me to be, sir,

"Your obliged servant,

(Signed) J. FENIMORE COOPER."

At the December meeting of the Georgia Historical Society, in the year 1899, Mr. Horace J. Smith, of London, presented a photograph of a document relating to the founding of the Colony of Georgia. As the proceedings in the matter of its presentation will doubtless be of interest to our readers, we make place for the same here:

Philadelphia, Pa., Nov. 14, 1899.

William Harden, Esq.,

Librarian of Historical Society of State of Georgia,
Savannah, Ga.

Dear Sir:—About eleven months ago my father, Horace J. Smith, sent me the matter which I hereby send to you by express. In some way this matter has been lost for eleven months,

*"History of the United States Navy."

and diligent search had failed to reveal it until yesterday. I take pleasure in forwarding it to you and shall be glad to have you acknowledge to Mr. Smith its receipt, even after so long a time.

Trusting the matter may be of interest to you, I am, respectfully yours,

Ivy Lodge,
Germantown,
Philadelphia,
U. S. A.

A. L. SMITH,
Ivy Bank,
School Road,
Moseley,
B'ham.

44 Grosvenor Road,
Westminster Embankment,
London, Dec. 3, 1898.

Dear Sir:—I send you herewith a photograph of a "Warrant," issued by the "Trustees for establishing the Colony of Georgia," to the vestry of St. Margaret, Westminster, to collect money for the purpose of sending "poor people to be settled and established in the Southern frontiers of South Carolina." The original was found by my friend, J. E. Smith, Esq., clerk of the now united parishes of St. Margaret and St. John, among the muniments of the vestry. By his kind permission, William H. Brand, Esq. (who describes himself as only an amateur, but whose work as you will see is as excellent as that of a professional) has taken a copy for me to send to you.

I am sure you will appreciate the courtesy of these gentlemen; the one who rescued and the other who provided a copy of this interesting historical relic. Oglethorpe, while in Parliament, visited a friend in prison for debt, and found him loaded with chains. This so affected Oglethorpe that by his efforts such persons and others were sent out as a military colony to act as a buffer between the Indians and South Carolina—a colony named for Carolus, King of England.

No other colony after this one, taking its name from its founder, George II, was christened after a British monarch. We have no "Guilliélma" to commemorate William IV; nor "Victoria" on our list of States; for after the Revolution, we

were self-contained and adopted Indian names for our territories, except that we wished to honor "Washington" with one, and accepted "Louisiana" from the French.

I shall be pleased to be able to advise Mr. Smith and Mr. Brand of the safe arrival of this historical souvenir, and to serve you further in any historical researches, if so advised.

Very respectfully,

HORACE J. SMITH.

To Wm. Harden, Esq., Librarian of the Historical Society of the State of Georgia, Savannah.

Extract from a book issued as a Special report of the Westminster vestry entitled "From Pre-Reformation Times to the Present Day."

"The benevolence of Westminster might indeed, almost be said to be world-wide. At least one of the flourishing States of America is indebted to the Parish for material help at its foundation.

10th May, 1733. It having been requested by the trustees for establishing a colony in Georgia for the minister, churchwardens and principal inhabitants of this parish to take subscriptions and to gather and to collect money for the said charity.

It is agreed that this vestry will give them assistance therein provided the said corporation do furnish them with proper power.

A warrant under the seal of the State was received by the vestry in the following year, appointing the church wardens, and other parish officers, treasurers for the raising of funds. This warrant mounted on crimson silk, with its curious seal in clay, bearing a design of a silk worm on a mulberry leaf, was brought to light at the Town Hall a few years ago, and suitably framed for preservation."

List of vestrymen present at the meeting of the vestry, held on the 10th May, 1733:

Rev. Rich. Widmore, John Grainger, Esq., Nathl. Blackerly, Mr. Matthias Sayer, William Lowndes, Esq., Mark Freker, Esq., Mr. John Atkinson, William Ireland, Esq., Richard

Farwell, Esq., Mr. John Alford, Capt. Samuel Tufuell, John Dives, Esq., Mr. John Williams, Mr. Richard Nurse, Alex. Chocke, Esq., Mr. Wm. Skelton, John Lawton, Esq., Mr. James Stedman.

MR. GRAHAM,
MR. THOS. NOWELL, Churchwardens.

The Vestry of St. Margaret and St. John, Westminster.
Vestry Offices, Town Hall,
Westminster, S. W.

Horace J. Smith, Esq.
44 Grosvenor Road, S. W.
20th, October, 1898.

Dear Sir:—Your inquiry relating to the warrant for the State of Georgia, with special reference to its bearing the same date as the resolution of the vestry, is quite reasonable, and, at the same time, capable of an easy answer. The meetings of the vestry were held at the time under review, as early as 8 o'clock in the morning, in the vestry room adjoining the church. The office of the trustees of the funds, in Old Palace yard, was quite close to the vestry room, so that there would be no difficulty in the resolution of the vestry being conveyed to them, and in the warrant being agreed upon and made out by the trustees on the same day. The fact that the receipt of the warrant is not recorded until "the following year," as shown in the record you have copied, is probably due to its having been handed in, at the close of their task, by those who had undertaken the collection. The amount collected does not appear to have passed through the church warden's accounts, for there is no entry relating to it in the year 1733, or either of the next two following years.

I enclose a list of the names of the vestrymen present when the collection was undertaken, in case it may be useful hereafter for comparison with the records of the trustees.

The warrant was clearly not a "brief" in the same sense as other licenses resorted to for collections at the time. No mention is made of it in the register of briefs laid in St. Margaret's parish, nor does Mr. Bewes, in his comprehensive volume on

"Briefs," refer to it in any way. Such documents were printed and entered at the Court of Chancery, whereas the Georgia warrant is an original document in manuscript, under the seal of the trustees, and bears no indorsement of the entry.

I am, dear sir,

Yours faithfully,

(Signed.)

J. E. SMITH,
Vestry Clerk.

TO ALL WHOM THESE PRESENTS SHALL COME :

WHEREAS his Majesty hath been graciously Pleased to take into Consideration that many of his poor Subjects, and many Forreigners, who are willing to become his Subjects, are reduced to great necessities, and would gladly be settled in the British Provinces in America, where, by Cultivating the Lands at present Waste and desolate, they might not only gain a comfortable subsistence for themselves and Families, but also strengthen his Majesty's Colonies, and increase the Trade Navigation and Wealth of these Realms. AND WHEREAS, his Majesty hath declared it highly becoming his Crown and Royal Dignity to Extend his Fatherly Compassion even to the meanest and most unfortunate of his People, and to relieve the wants of his above mentioned poor Subjects, and that it will be highly conducive for the Accomplishing these ends, that a regular Colony of the said poor People be settled and established in the Southern Frontiers of South Carolina. AND WHEREAS his Majesty for the more orderly Carrying on the said good Purposes HATH by his Royal Charter bearing date the Ninth Day of June in the Year of Our Lord 1732 constituted a Body Politick and Corporate by the Name of THE TRUSTEES FOR ESTABLISHING THE COLONY OF GEORGIA IN AMERICA and hath granted unto the said TRUSTEES and their Successors for ever, certain Lands and Territories in South Carolina IN TRUST for Establishing the said Colony, and hath erected the same into an Independent Province by the name of GEORGIA. NOW KNOW YE that We the said Trustees being well assured of the Integrity and Humanity of the Minister Church Wardens and Gentle-

men of the VESTRY of the Parish of Saint Margaret Westminster and that they greatly desire the success and accomplishment of so Excellent a Work HAVE, by vertue of the Powers granted to Us by the said Charter at a Meeting of the said Corporation convened and assembled for that purpose, authorized and appointed and by these Presents DO for the Consideration aforesaid authorise and appoint the said Minister Church Wardens and Gentlemen of the Vestry of the Parish of Saint Margaret Westminster or any two or more of them to take Subscriptions and to gather and collect such Moneys as shall be by any Person or Persons contributed for the Purposes aforesaid and to transmit with all convenient Speed to us the said TRUSTEES, at our office in Old Palace Yard Westminster the Moneys so collected together with the names of the Persons and sums which each one shall contribute or subscribe, and in case any of the Contributors shall desire their Names to be Concealed then the Sums by them given respectively, that we the said TRUSTEES may be enabled from time to time to publish perfect Accounts of such Benefactions. GIVEN under our common Seal this TENTH DAY OF MAY 1733.

In making the presentation, in behalf of the donor, Mr. William Harden, the Society's Librarian, took advantage of the occasion to make the following remarks:

"But the interest of our society in this Church of St. Margaret is not confined to the incident of this evening, as I will now show.

"It may not be known to many of our members that the remains of Sir Walter Raleigh, with the exception of the head, which it is said was given to his wife at the time of his execution, and kept by her until her death, are buried in that church. The proceedings of the Massachusetts Historical Society, at the June meeting, 1880, show that a suggestion had been made by the Rev. F. W. Farrar, then canon of Westminster and rector of St. Margaret's Church, now Dean of Canterbury, 'that a window in memory of Raleigh would be an appropriate tribute from Americans, in whose history his name occupies so prominent a place. A letter from Canon Farrar was read,

and a subscription paper, started by American residents in London, exhibited. The project excited considerable interest among the members present, and the president was requested to bring the matter to the attention of other historical societies. The subscription paper was committed to the treasurer for the gift of individual members.'

"The suggestion that the interest of other historical societies be invoked in this matter met with encouragement, and the proceedings of our Georgia Society show that at the December meeting, of the same year, 'the chairman read a letter from Hon. Robert C. Winthrop of Massachusetts concerning the placing of an American memorial window in St. Margaret's Church, at Westminster, London, in honor of Sir Walter Raleigh, and favoring strongly the scheme. Upon motion of Gen Lawton, this society subscribed £20 to this object.' The amount required for the purpose was readily subscribed, and the Massachusetts Historical Society, through which body the collections were made, sent to Canon Farrar £315. Mr. Winthrop, its president, participated in the ceremonies incident to the unveiling of the window, and thus spoke of it in a letter to his vice-president, Dr. George E. Ellis, dated at Paris, May 17, 1882: 'Last Sunday morning I had a great treat at St. Margaret's, London, where the window in memory of Sir Walter Raleigh, which our society, at my suggestion, led off in subscribing for, was unveiled. A beautiful window it is, the large west window of the old Parliamentary Church, with full length figures of Queen Elizabeth, Raleigh and Sir Humphrey Gilbert. Lowell wrote the inscription for it, in verse. The sermon by Canon Farrar was admirable; full of kind feeling to America, and every way worthy of the window, of Raleigh, and of himself.'

The inscription reads thus:

"The New World's sons, from England's breasts we drew

Such milk as bids remember whence we came;

Proud of her past wherefrom our present grew,

This Window we inscribe with Raleigh's name."

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ONE DOLLAR A NUMBER

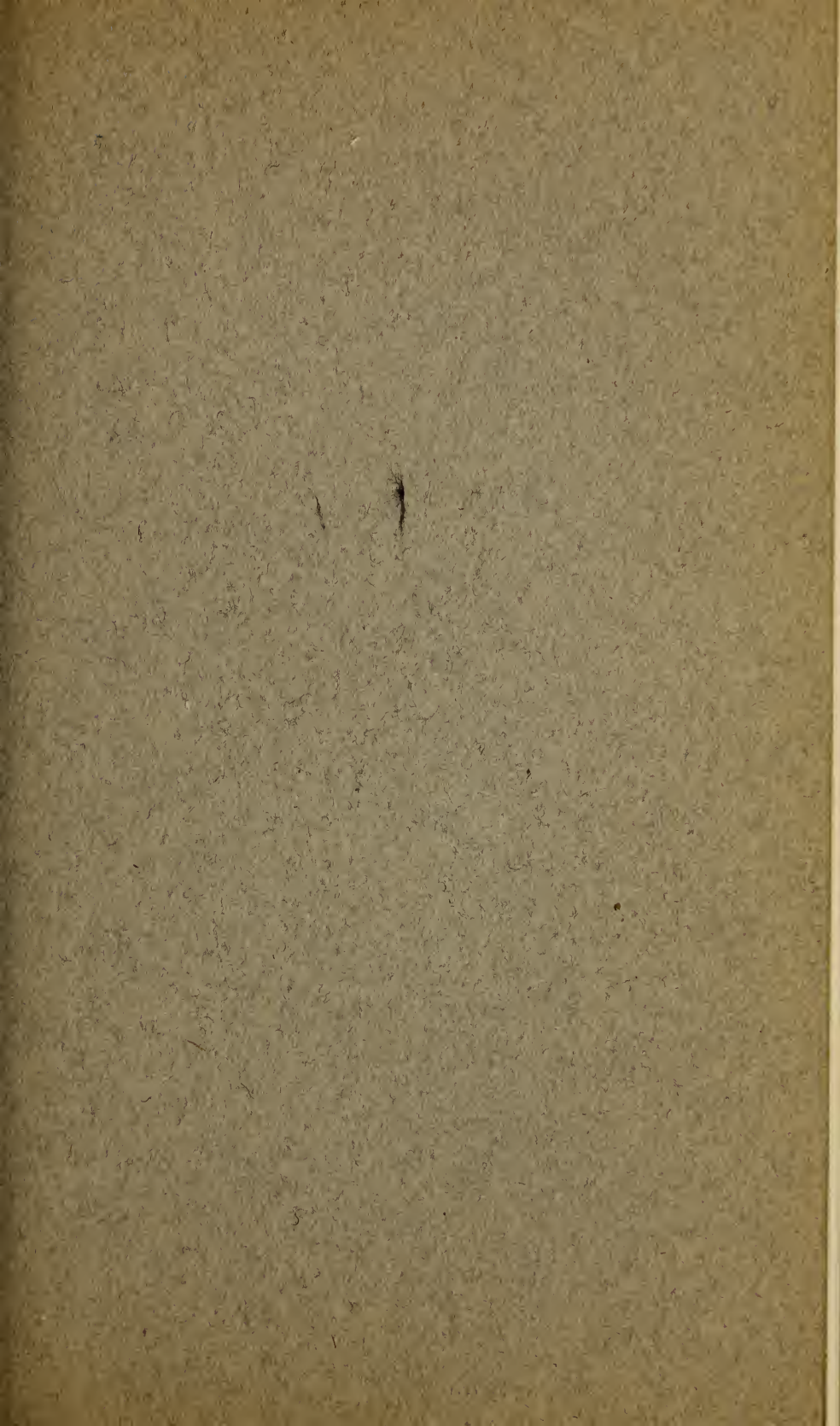
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ONE DOLLAR A NUMBER

THREE DOLLARS A YEAR

The Georgia Historical Quarterly

Volume IV

MARCH, 1920

Number I

Oglethorpe's Treaty with the Lower Creek Indians.

With the determination to do all in his power to bring about a realization of the hope expressed by him in his address to the colonists on their first landing at Savannah, "that through your good example the settlement of Georgia may prove a blessing and not a curse to the native inhabitants," Oglethorpe quickly sought to make a treaty with the Indians which would be helpful to both parties to the contract, and, with the aid of the good old Mico of the Yamacraws, Tomochichi, the first treaty of the kind in Georgia was made bearing full evidence of fairness and purpose of mutual support, and it should ever be held in memory as one of the chief factors in the successful achievement of the objects aimed at in the establishment of the Colony of Georgia.

Among the papers in the possession of the Georgia Historical Society is the document herewith presented. The Treaty itself has been printed in several works relating to the history of Georgia, generally in an abbreviated form, but sometimes in an almost complete state; but the following copy, carrying with it affidavits as to its being from the official records, makes certain the fact of its accuracy and completeness.

Coming in the form in which it appears, it necessarily possesses more interest than is attached to the copies in other publications, and it is still more interesting by reason of the use of the name of the Right Honorable Stephen Janssen, M. P., Lord Mayor of London, who was one of the Trustees for Establishing the Colony of Georgia in America, appointed in 1749. The paper is a copy made from a transcript which some one had evidently procured for the purpose of perfect accuracy in duplicating the original Treaty, as shown by the

accompanying affidavits; but who that person was cannot now be ascertained, nor can we discover the reason for the procuring of the copy which bears the marks of having been written many years back.—*EDITOR.*

{ BRITISH
CROWN }

{ BRITISH
CROWN }

To All to Whom these presents shall come: I Stephen Theodore Janssen Lord Mayor of the City of London In pursuance of an act of Parliament made and passed in the fifth year of the Reign of our Sovereign Lord King George the Second *Entitled an Act* for the more easy recovery of Debts in His Majesty's Plantations and Colonies in America, Do hereby Certify that on the day of the Date hereof personally came and appeared before me Thomas Marriott, the Deponent named in the Affidavit hereunto annexed, being a person well known and worthy of good credit and by solemn Oath which the said Deponent took before me upon the Holy Evangelist of Almighty God, Did solemnly and sincerely declare, testify and depose to be true, the several matters and things mentioned and contained in the said affidavit annexed—

{ SEAL OF THE MAYOR
OF LONDON. }

In Faith and Testimony whereof, I, the said Lord Mayor, have caused the seal of the Office of Mayoralty of the said City of London to be hereunto put and affixed and the Treaty mentioned and referred to in and by the said affidavit to be hereunto also annexed.

Dated in London the twenty-fourth day of April in the year of our Lord, 1755.

{ BRITISH
CROWN }

{ BRITISH
CROWN }

Thomas Marriott, of Lisle Street, in the Parish of Saint Anne in the County of Middlesex, Esquire, and late one of the Magistrates of the Town and County of Frederica, in the Colony of Georgia, maketh Oath and saith that in August, one thousand seven hundred and thirty-nine, He, this deponent, was in the Creek Indian Country along with Lieutenant General James Oglethorpe, and personally present at the General Assembled Estates of the said Creek Nation at the Coweta and Cussita Towns when the Annexed Treaty was concluded, ratified, and confirmed between the said General Oglethorpe as commissioner for the trustees for establishing the Colony of Georgia in America, in behalf of the crown of Great Britain and the said Assembled States then representing the whole Creek Nation, in the presence of a sworn Interpreter and the several persons whose names are subscribed thereto, and this deponent doth further declare that the said Treaty is of this deponent's own hand writing and that he did see the said James Oglethorpe sign and seal and deliver the same as his own proper act and Deed in behalf of the Crown of Great Britain and that he this deponent signed his name as an evidence thereunto.

THOMAS MARRIOTT.

Sworn the 24th day of April, 1755, }
at the Mansion House in London, be- }
fore me.

STEPHEN THEOD. JANSSEN, *Mayor*.

{ SEAL. } *Proceedings of the Assembled Estates of all*
the *Lower Creek Nation* on *Saturday, the Eleventh*
Day of August, Anno Domini 1739.

By Powers from His most sacred Majesty, George the Second, by the grace of God, King of Great Britain, France

and Ireland, etc., General James Oglethorpe, being appointed Commissioner was present in behalf of His Majesty, and opened the assembly by a Speech. There was also present at the said assembly of Estates, the Mico or Chief King of the Coweta Town Chickely Ninia Mico of the said Town, Malachi Mico Son of Bum* late Emperour of the Creek Nation, and the Chiefs and Warriors of the Coweta Town, and the Mico or King of the Cussitas and Skisheligo Mico next to the King of the Cussitas; Iskeigo third Chief man of the Cussitas and the other Chief Men and Warriors of the said Town. And also Ockachapko one of the Chief Men of the Town of Palachuchucas; Kelath, Chief War Captain and other Chief Men and Warriours, being Deputys sent with full Power to conclude all things for the said Town; Sawmawme Mico of the Ufawles with several other chief Men and Warriours, being Deputys sent with full powers to conclude all things for said Town; Melachelio, War Captain of the Echetees with several other Chief Men and Warriors, being Deputys sent with full Power to conclude all things for the said Town; Neathaclo, Chief Man of the Ousichees, with several other Chief Men and Warriours, being Deputys sent with full Power to conclude all things for the said Town; Occullavech, Chief Man of the Chehaws, with several other Chief Men and Warriours being Deputys sent with full Powers to conclude all things for the said Town; Hewanawge Thalecko, Chief Man of the Oakmulge with several other Chief Men and Warriours being Deputys sent with full Powers to conclude all things for the said Town. The Mico or King of the Oconys with several Chief Men and Warriours having full Powers to conclude all things for the said Town; Necthachle, second Chief Man of the Swagles with several other Chief Men and Warriours, being Deputys sent with full Powers to conclude all things for the said Town.

The whole Estates Declared by a general consent without one Negative that they adhered in their ancient Love to the King of Great Britain and to their agreements made in the year

*Spelled Breen in some copies, where also other Indian names have a spelling differing from that here given.

1733, with the Trustees for Establishing the Colony of Georgia in America, a counter part of which agreement was then delivered to each Town and the Deputys of the several Towns produced the same. The said Estates further declared that all the Dominions, Territories and Lands from the River Savannah to the River Saint John's and all the Islands between the said Rivers and from the River St. John's to the Bay of Appalache within which is all the Appalache old Fields, and from the said Bay of Appalache to the Mountains doth by ancient right belong to the Creek Nation who have maintained Possession of the said Right against all opposers by War and can show the heaps of Bones of their Enemies slain by them in defense of the said Lands. And they further declare that the said Creek Nation hath for ages had the Protection of the Kings and Queens of England and have gone to War by Commissions from the Governors appointed by the said Kings and Queens of England and that the Spaniards nor no other Nation have a right to any of the said Lands, and that they will not suffer them or any other Persons (Excepting the Trustees for Establishing the Colony of Georgia in America) to settle upon the said Lands, AND they do acknowledge the Grant they have already made to the Trustees for Establishing the Colony of Georgia in America all the Lands upon the Savannah River as far as the Ogeechee & all the Lands along the Sea-Coast as far as the River St. John's and as high as the tyde flows and all the Islands as far as the said River Particularly the Islands of Frederica, Cumberland and Amelia to which they have given the names of his Majesty King George's Family out of gratitude to him. But they Declare that they did and do reserve to the Creek Nation the Lands from Pipe Maker's Bluff to Savannah and the Islands of Saint Catherines, Ossebaw, and Sapelo; and they further declare that all the said Lands are held by the Creek Nation as Tenants in Common—

The said commissioner doth Declare that the English shall not enlarge or take any other Lands except those granted as above by the Creek Nation to the Trustees and doth promise and covenant that he will punish any Person that shall intrude

upon the Lands which the Creek Nation hath reserved as above. GIVEN under my hand and Seal at the Coweta Town this twenty first day of August Anno Domini 1739.

JAMES OGLETHORPE

By James Oglethorpe, Esq., General & Commander in Chief of all His Majesty's Forces in South Carolina & Georgia, Etc.

To all His Majesty's Subjects to whom these Presents shall come, Greeting.

Know Ye that you are not to take up or Settle any Lands beyond the above Limits settled by me with the Creek Nation, at their Estates held on Saturday, Eleventh Day of August, Anno Domini, 1739, as you shall at your peril answer. Given under my hand and seal at the Cusseta Town, this twenty-first day of August, Anno Domini 1739.

JAMES OGLETHORPE

This is true and authentic.

Made in the square at the Coweta Town and in the square at the Cussita Town and translated by a sworn interpreter in the presence of the within mentioned Indians and under mentioned Britons, and by me.

Lieutenant GEORGE
DUNBAR.

Ensign JOHN LEMAN.

Adjutant HUGH MAC-
KAY.

Adjutant HUGH MAC-
KAY.

ENEAS MACKINTOSH,
Esq., Brother to the
Laird of Mackintosh.

JOHN CUTHBERT, Esq.
of Drackers.

MR. ROBERT MCPHERSON, brother
of THOMAS MCPHERSON of Da-
hade.

MR. JOHN MACKINTOSH, son of
JOHN MACKINTOSH of Holmes.

MR. JAMES MACKQUEER, son of
JAMES MACKQUEER of Cors-
brough.

MR. KENETH BAILIE, son to JOHN
BAILIE of Balbrobart.

MR. JOHN MACKINTOSH.

MR. JOHN CUTHBERT.

of the County of Inverness.
North Britain.

Secretary's office.

Which I do certify, Recorded in Book 2 fo. 424.
THOMAS MARRIOTT Examined per WILLIAM PINCKNEY.
Pro. Deputy Sect.

*Be it Remembered By All Manner of People to Whom This
Written Paper Shall Come; By whom it shall be seen; or
to whom it shall be made known, as long as the Sun shall
shine or the waters run in the Rivers.*

That, we the general Assembled Estates composed of the Miccos or Kings, Chieftains, Captains, Warriors, Beloved Men and Deputys of the Upper and Lower Creek Nations, having a rightful and natural power according to the Laws and Customs of our Fore Fathers (to which we have always strictly adhered) finally to conclude all things, regarding the said Nations in behalf of ourselves, subjects, and Vassals; being solemnly met together in Council according to the ancient manner and form of our Nation Do hereby Ratify, allow, confirm, and hold firm and valid to all intents and purposes the Deed of sale or conveyance or by what ever other name that instrument of writing may be called; made by Malatchi Opeya Micco Rightful and Natural Prince of the said Nations of the Islands upon the Sea Coast commonly known by the names of Couleegee or Saint Catharine's Islands, Housoppy or Ossebaw Islands, and the Islands of Sapelo bounded towards the sun rising by the sea towards the sun setting by certain Rivers the names of which we do not know, dividing the said Islands from the main Continent and North and South by certain Inlets from the sea unto our Beloved man Thomas Bosomworth and our Sister Mary his wife, their heirs or assigns forever, according to the true intent and meanings of the said written paper therein more particularly specified to which reference may be had.

In confirmation of these presents we the said Assembled Estates for us our heirs subjects and vassals do declare that we

will warrant and forever defend the said Title to the said Thomas Bosomworth and Mary his wife, their Heirs, Executors, administrators against the Claim or Claims of any person or persons Indian or Indians whatever.

In witness whereof we the said Assembled Estates have hereunto set our hands and seals at our General Council in the Coweta Square This Second Day of the month called August by the English in the year of our Lord 1750 and in the 24th year of the Reign of the Great King George.

Sealed and Delivered
in the presence of :

GEORGE GALPHIN

ADAM BOSOMWORTH

WILLIAM LINDEN

JOSEPH PIERCE

His
MALATCHIOPEGA x Mico Comd'ing
Mark

King Cowetas.

ISTABAY EACHEY x Warrior King
of Cussitas.

YOCKENGEY x King of Hichetti

AHOMMATHLY x King of Dara-
chuklers.

INCLEE HUMBEEY x King of Tuckba-
baches.

ELACHEGEY x King of Che-
haws.

IMTLAPUGEY x King of Wasse-
teles.

SAVANNAH

in GEORGIA

By all People to whom *These Pres-
ents* shall come be seen or be
made known.

Be it Remembered that on the 29th day of September, 1750 Before me Samuel Marcer one of the Bailiffs for the Town and County of Savanah in the Colony of Georgia, Personally appeared Adam Bosomworth and Joseph Piercy, subscribing witnesses to the within Instrument of writing, who being severally duly sworn on the Holy Evangelists of Almighty

God do declare that they were personally persent when the within written instrument was explained and interpreted at the General Assembly of the Creek Nations in the Coweta Square held the second day of August, 1750, and that they saw the Miccos or Kings of the several Towns within mentioned sign, seal, and as their act and deed deliver the within written paper in behalf of themselves, Captains, Warriors beloved men and deputies of the said Creek Nations with the general consent and approbation of the whole Assembled Estates without one Negative, unto the within named Mary Bosomworth, in behalf of herself and Thomas Bosomworth her husband, for the uses and purposes within mentioned. And the said Adam Bosomworth and Joseph Piercey do further declare that they saw George Galphin & William Linden sign their names as subscribing Witnesses to the within Instrument of writing. And lastly Joseph Piercey doth for himself likewise further declare that he perfectly understands the Creek Indian Language, that he has at sundry times been interpreter to the said Indians at Public Meetings both during the command of Major William Horton and Lieutenant Col. Alexander Heron, and that the within written Paper is the true intent and meaning of the Declaration made when he was personally present by the General Assembled Estates of the Creek Nations in the Coweta Square the day and date above mentioned, without one Negative.

ADAM BOSOMWORTH
JOSEPH PIERCEY.

Sworn the 29th day of
September, 1750, be-
fore me

SAMUEL MARCER
Secretary's office

Recorded in Book 2,
Fo. 428. Examined
per WILLIAM PINCK-
NEY.

Pro. Dept. Secty.

The within written deed recorded in
my office.

CHAS. WATSON,
Recorder.

The Trustees for Establishing the Colony of Georgia in America to the Chief Men of the Nation of the Lower Creeks send Greetings—

Whereas the Great King George the Second, King of Great Britain, did by his Letters Patent under the Great Seal of Great Britain bearing date the ninth day of June in the fifth year of his Reign constitute and appoint a Body Politick and Corporate by the Name of *The Trustees* for Establishing the Colony of Georgia in America; and *Whereas*, The said *Trustees* have received from the Beloved Mr. James Oglethorpe of West Brook Place in the County of Surry, Esqr., one of the Common Council of the said *Trustees*, a copy of certain Articles of Friendship and Commerce between the said *Trustees* and the said Chief Men which is in the words following (that is to say) *Articles* of Friendship and Commerce between the *Trustees* for Establishing the Colony of Georgia in *America* and the *Chief Men* of the Nation of the *Lower Creeks*.

First. The *Trustees* bearing in their Hearts great Love and Friendship to you the said Head Men of the Lower Creek Nation do engage to let their people carry up into your Towns all kinds of Goods fitting to trade in the said Towns at the Rates and prices settled and agreed upon before you the said Head Men and annexed to this Treaty of Trade and Friendship.

Secondly. The *Trustees* do by these Articles promise to see Restitution done to any People of your Towns by the People they shall send among you upon proof made to the Beloved Man they shall at any time send among you that they who have either committed Murder, Robbery, or have beat or wounded any of your People or any ways injured them in their Crops by their Horses or any other ways whatever and upon such proof the said people shall be tried and punished according to the English Law.

Thirdly. The *Trustees* when they find the Hearts of you the said Head Men and your people are not good to the people they shall send among you or that you or your People do not mind this Paper, they will withdraw the English favor

from the Town so offending. And that you and your people may have this chain of Friendship in your minds and linked to your hearts they have made fast their Seal to this Treaty.

Fourthly. We the Head Men of the Coweta and Cussita Towns in behalf of all the Lower Creek Nation being firmly persuaded that He who lives in Heaven and is the occasion of all good things has moved the hearts of the Trustees to send their Beloved men among us, for the good of our wives and children, and to instruct us and them in what is straight, do therefore declare that we are glad that their People are come here, and though this Land belongs to us, the Lower Creeks, yet we that we may be instructed by them do consent and agree that they shall make use of and possess all those Lands which our Nation hath not occasion for to use, and we make over unto them their Successors and Assigns all such Lands & Territories as we shall have no occasion to use, Provided always that they upon settling every New Town shall set out for the use of ourselves and the People of our Nation such Lands as shall be agreed upon between their Beloved men and the head men of our Nation and that those Lands shall remain to us forever.

Fifthly. We the Head Men do promise for ourselves and the People of our Towns that the Traders for the English which shall settle among us shall not be robbed or molested in their Trade in our Nation; and that if it should so happen that any of our People should be mad and either kill, wound, beat, or rob any of the English Traders or their People, then we the said Head Men of the Towns aforesaid do engage to have justice done to the English and for that purpose to deliver up any of our People who shall be guilty of the crimes aforesaid to be tryed by the English Laws or by the laws of our Nation as the Beloved Man of the Trustees shall think fit; and we further promise not to suffer any of the People of our said Towns to come into the limits of the English Settlements without leave from the English Beloved Man, and that we will not molest any of the English Traders passing to or from any Nation of Indians in Friendship with the English.

Sixthly, and we the Head Men, for ourselves and People do promise to apprehend and secure any Negro or other slave which shall runaway from any of the English Settlements to our Nation and to carry them either to this Town or Savannah or Pallachuckla Garrison and there deliver him up to the Commander of such Garrison and to be paid by him four Blankets or two Guns or the value thereof in other goods, provided such runaway Negro or other slave shall be taken by us or any of our People on the further side of Ocony River, and in case such Negro or runaway Slave shall be taken on the hither side of the said River and delivered to the Commander as aforesaid, then we understand the pay to be one Gun or the value thereof; and in case we or our people should kill any such slave for resistance or running away from us in apprehending him then we are to be paid one Blanket for his head by any Trader we shall carry such slave's head unto.

Lastly. We promise with straight Hearts and Love to our Brothers, the English, to give no encouragement to any other white people but themselves to settle among us, and that we will not have any correspondence with the Spaniards or French, and to show that we, both for the good of ourselves, our wives and children, do firmly promise to keep the Talk in our hearts as long as the sun shall shine or the waters run in the Rivers. We have each of us set the marks of our Families.

Schedule of Prices of Goods agreed on Annexed—

Two yards Strouds, Five Buckskins.

One yard Plains, One Buckskin, one pound and three quarters or Doeskin as wearable.

One White Blanket, Five Buckskins or ten Doeskins.

One Blue Duffle Blanket, three Buckskins or Six Doeskins.

A gun, ten Buckskins, or twenty Doeskins.

A pistol, five Buckskins or ten Doeskins.

A gun lock, four Buckskins or eight Doeskins.

Two measures of Powder, one Buckskin or two Doeskins.

Sixty Bullets, one Buckskin or two Doeskins.

A white shirt, two Buckskins or four Doeskins.

A knife, one Doeskin.

Eighteen Flints, one Buckskin or two Doeskins.
Three yards of Cadiz, one Doeskin.
Three yards of Gartering, one Doeskin.
A Hoe, two Buckskins or four Doeskins.
A falling axe, two Buckskins or four Doeskins.
A large Hatchet, answerable, three Doeskins.
A small Hatchet, one Buckskin or two Doeskins.
A brass kettle, per pound, one Buckskin or two Doeskins.
Two yards of Brass wire, a Doeskin.
A Looking glass, one Buckskin or two Doeskins.
A hat, two Buckskins or four Doeskins.
A Leathern Belt, one Buckskin or two Doeskins.
One Dozen Buttons, one Doeskin.

And Whereas, The said Trustees are greatly desirous to maintain and preserve an inviolable Peace, Friendship and commerce between the said Head Men of the Lower Creek Nation of the Creeks and the People the said Trustees have sent and shall send to inhabit and settle in the Province of Georgia aforesaid to endure to the world's end:

NOW KNOW YE

That we, the said Trustees for Establishing the Colony of Georgia in America do by these presents ratify and Confirm the said Articles of Friendship and Commerce between the Trustees for Establishing the Colony of Georgia in America and the Chief men of the Nation of the Lower Creeks all and every the articles of agreements therein contained, and also the rates and prices of Goods above mentioned, settled and agreed upon before the said Head Men and annexed to the said Treaty of Trade and Friendship.

In Witness whereof the Common Council of the said Trustee for Establishing the Colony of Georgia in America have to these presents made fast the common Seal of Corporation of the said Trustees the eighteenth day of October in the

seventh year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith and so forth, and in the year of our Lord One Thousand, seven hundred and thirty three.

By Order of the said
Common Council

(Signed) BENJAMIN MARTYN, Secty.

A true copy,
Sworn before me
this 20th
September, 1751.

} JOHN MACKINTOSH
THOMAS BOSOMWORTH

Eulogy on the
Life and Character of Dr. Noble Wymberley Jones
By DR. JOHN GRIMES.

The Georgia Medical Society was incorporated by act of the Legislature, assented to December 12, 1804, "for the purpose of lessening the fatality induced by climate and incidental causes, and improving the science of medicine; and in order to ensure and establish their said institution in a permanent and effectual manner, so that the benevolent and desirable objects thereof may be executed with success and advantage." Eighteen gentlemen were named as the members composing that body, of which Noble Wymberley Jones was the President, John Irvine, Vice-President, John Grimes, Secretary, and Lemuel Kollock, Treasurer.

The time of service of Dr. N. W. Jones was short, as he died January 9, 1805. We have had numerous sketches of the life of that truly good and honorable man, but none of them as full or informing as the one by Dr. Grimes, who was well qualified for the work, as he was the friend and co-worker, gifted as a ready writer, and, moreover, he married the grand-daughter of Dr. Jones.

While much has been written of the political and social life of the subject of this sketch, no reference of an extended character has been made to his professional knowledge and skill, and it was proper that Dr. Grimes should be appointed to pronounce the eulogy before the Georgia Medical Society. It is scarcely within the knowledge of a score of persons now living that such a paper was ever written, and it deserves a place in this periodical. It is reproduced from what appears to be the original document, and is among the collection of papers of the Georgia Historical Society.

Dr. Grimes died in 1816, and it is a matter of regret that we know so little of his life. In the year 1806 he married Cath-

erine Glen, whose father, John Glen, married a daughter of Dr. N. W. Jones. A stone erected in memory of Dr. Grimes in Colonial Park, bears this simple inscription:

JOHN GRIMES, M. D.

DIED

24th day of June

1816

Aged 35 years.

The middle name of Dr. Jones is written *Wimberly* wherever it appears in the manuscript, which is entitled:

An Eulogy

Delivered by Dr. John Grimes

Before the Medical Society of

Georgia

On the Occasion of the Death of their

Late President

Doctor Noble Wimberly Jones.

—*Editor.*

Gentlemen of the Medical Society:

We have assembled on a solemn and dignified occasion—to honor the loss, to pay homage to the virtues of our *first* and *late* President, the good, the venerable Doctor Noble Wymberley Jones! By your resolve to perpetuate his memory, you have done equal honor to yourselves, to your country, to humanity and to your profession. In committing this interesting and arduous duty to me, you have imposed a task which no effort in my power will be able to accomplish. I have neither the health, the time, nor the talents, to treat the subject in the manner you expect, or, from its merits, it deserves. I have deceived you not less than myself. An ardent and enthusiastic *love* of merit obscured my judgment. In consenting to become the organ of your feelings on this occasion, it was mis-

taken by me for talents, at the exhibition of which I shudder, for the imbecility of which I crave and claim your indulgence. Friends and Fellow Citizens! Death has made another inroad upon the worthies of our country. He, among the first that stepped upon this shore—a hissing and inhospitable wild; He the last among those who first saw this city—a rude and uncultivated waste; He from whose virtues and labours you have received an age of benefits—is but now no more! With fond and pathetic recollection of his exemplary goodness, let us embalm his memory! It is a tribute which the ingenuous and feeling heart delights to pay; a debt of gratitude, which even the basest minds cannot withhold.

What ample scope does this theme afford for all the powers of eloquence, for all the sensibilities of reverence and affection!

Such shining examples as a review of his life exhibits, held forth to public view, have a far greater effect on the minds of men than all the dry dogmas and precepts of philosophy. While they enlighten they warm the heart, and by their living energy, stimulate to great and godlike actions.

The celebration of the characters and exploits of the brave the valient and the wise, is common in every age and country—is a custom coeval with the history of man. This has excited the songs of ancient bards and minstrels, the chisel of the statuary, the pencil of the painter, and the pen of the historian and biographer. For this purpose have temples and other architectural monuments been erected. But to commemorate the exertions of the just, the virtuous and the good is an occurrence that does not often give splendor to the annals of any age or people. For this purpose only should the voice of the eulogist be heard. To fan in our breasts the flame of friendship threatened with extinction by the daimon of death, to add perpetuity to sentiments of gratitude for distinguished services; to cherish in our bosoms a love of exalted worth; and to allure us on to virtuous conduct through the medium of our constitutional propensity to imitation; is a noble and important duty, whether we view it in its relationship to the cultivation of pri-

vate virtues, or to the promotion of public good. Though from the influence of causes by which Providence prescribes the boundaries of human existence, our great and good parent to which endearing appellation he is justly entitled from the inhabitants of this city especially—is no more! His example lives.—Having traversed the utmost limits of sublunary life dispensing beneficence, and usefulness in every step of his progress and at last summoned to attend the Tribunal of retribution, he has bequeathed us a rich and valuable inheritance—we have all become his heirs—He has bounteously enriched us with his character, and his virtue—a legacy as far superior to the ordinary bequests of men, as moral excellence surpasses the value of perishable matter, or as the beauty of virtue and intellect surpasses the beauty of material objects. They still remain a guardian constellation—a splendid galaxy to light his surviving friends on the dark and intricate journey of life. Let us arrest the progress to decay in our memory of them. Let us snatch them from the shades of oblivion and fix them in our breasts, the monitor of our actions and conduct—another conscience.

If ever any place owed to one of its citizens a debt of gratitude that place is Savannah, that citizen was the late Doctor Noble Wymberley Jones. To do justice to his unequalled services defies panegyric;—is what I hope you do not expect from me. Would that I could! would that I could illustrate his principles in my discourse, as he displayed them in his life.—Would that I could paint his virtues as he practiced them! Then should I possess the power to convert the fervid enthusiasm of my heart into the talent to transmit his fame as it ought to pass to posterity. I should then be the successful organ of your will, the minister of his virtues. But these are ambitious, deceiving hopes; I reject them. For it is perhaps almost as difficult at once with judgment and feeling to praise great actions as to perform them. A lavish and indiscriminate eulogium is not praise, and to discriminate such excellent qualities as were characteristic and peculiar to him would be to raise a name, as he raised it, above envy, perhaps above emulation.

The field upon which we are about to enter abounds with the richest productions of patriotism and philanthropy, morality and virtue—the evergreen beauties of the heart interspersed amidst the majestic and venerable growths of the mind; but rendered of difficult access by the barriers which the oblivion of time, the decay of memory, and the modesty of its possessor have thrown around it. I have been enabled to gain a partial admittance and ascend a slight eminence only. My view, therefore, will be limited and imperfect.

The village of Lambeth on the river Thames in the county of Surrey in England gave birth to the man to whose memory we have, this day, assembled to pay the duties of an affectionate posterity. The day and year of his nativity whose annual return should be greeted and handed down to the latest lovers of liberty, virtue and patriotism in this country, with signs of encomium and celebration, such at all times was his delicacy in speaking of things that respected himself; have never been ascertained. Here his ancestors were born and resided. His father, Noble Jones, was bred to the profession of physic, which he followed in his native country until about the month of November 1732. A little anterior to this, George the 2d had erected Lord Percival, James Oglethorpe and others into a corporation under the title of the “Trustees for Establishing the Colony of Georgia in America.” Between Oglethorpe and Doctor Noble Jones there was a great intimacy and friendship. These, aided by the earnest entreaties of the former, induced ultimately in the mind of the latter a determination to blend for a while the destinies of his family with those of that enterprising adventurer. Reposing confidence in the talents, integrity and friendship of Oglethorpe, he, with his family, consisting then of his wife, a daughter and his son Noble Wymberly, embarked at Gravesend for Georgia in November, 1732.

On the first day of February of the following year, 1733, this Bluff hailed the access of its first Christian inhabitants. The first landing was effected about two hundred yards above the spot on which this edifice stands. It is con-

jectured with many claims to certainty that our President was at that time eight or ten years old.

The better to present you with the knowledge of the opportunity for mental improvement which he enjoyed, the actions and employments in which he was engaged, and the scenes by which he was surrounded at a period of life the most interesting and important to the evolution of intellect; it will be necessary for me to give you a short sketch of the difficulties and embarrassments of the first settlers of this Province. Without this his character would be despoiled of its greatest claims to our praise and admiration. The history of the infancy of this Province, is a little more than the history of the first twenty years of his life, which was spent in a military education for her safety and protection and in establishing the freedom and happiness of which he afterwards took an honorable and conspicuous stand among the celebrated worthies of our country.

The colony consisted at first of only 116 persons, who had to contend with savages for admittance with the rude and boggy wilderness for habitation, with the insalubrity of climate for life itself. The whole attention of this little body was therefore necessarily directed to the exigencies of its present condition. The Fort their only dwelling, the camp, their only school; fortifications and tactics were the only science they had the chance to cultivate. Every individual had the important knowledge to acquire of protecting and defending himself, and to study the best system of co-operation for the common safety. The proprietary laws by which they were governed strictly regarded each individual in the twofold light of planter and soldier, the accoutrements of the latter being esteemed a badge of right to the possession of the former.

In this situation the colonists remained for several years, when, in 1737, new difficulties arose from the hostile disposition of their jealous neighbors, the Spaniards, from whom and the aboriginal inhabitants they, for many years after, received almost uninterrupted molestations.

Thus from the harassed and infant condition of his adopted country, the youth of the late Doctor Jones was shut

out from the advantages of an early and liberal education—that valuable period of life in which the human mind is most ardent and susceptible of the impressions of science and learning—the only age when the senses are quick and true to the reception of the rudiments of knowledge, the materials for the after operations of reason and judgment, was chiefly spent by him in military employments.

As early as 1738, when not more than fifteen years of age, we find him a Cadet in the army of Genl. Oglethorpe in which he was afterwards promoted. He continued in this situation discharging the double duties of officer and surgeon, till the expulsion of the Spaniards from the colony about the year 1745.

Soon after this, Genl. Oglethorpe took final leave of his young establishment, which he had protected with the solicitude of a parent, with the wisdom and conduct of an able politician and a great general, not, however, without first rewarding and cherishing a fond affection for those whose peculiar merits and services had attracted his particular notice. The son now shared the friendship and regard which had attached the Genl. to his father, in testimony of which, and in remuneration for the early military merits and medical services of our deceased President, a present was made him no less honorable than lucrative. Through his means, the Trustees of the Province granted to Doctor Noble Wymberley Jones certain lands in the vicinity of this place, which in commemoration of his native village bears the name of Lambeth. But this was not all. Oglethorpe, soon after his arrival in England, as a further mark of his esteem, sent him his own Portrait with another of a favorite young Savage (represented standing next the General with a book open, reading) whom he had taken with him to educate.

In 1752 the Trustees relinquished the proprietary government, by the impolitic regulations of which the prosperity of this settlement had been vastly impeded. Georgia, then with a Governor, his Council and an Elective Assembly, acquired the privileges and immunities of her sister provinces.

Of this Assembly our President was appointed the first speaker. In this situation he was continued by the respect and confidence of his countrymen till the *Storm* of Revolution began to lower.

Let us now view him aiding his country in her struggle for liberty. Here his character was so conspicuous that many of the events of that celebrated epoch, inseparable from it, must pass in review before us.

The firm and decided part which Doctor Jones acted in that memorable contest entitles him to the reverence and gratitude of every true American. It proves, perhaps, as much as any other portion of his life, the just, the correct, and independent structure of his principles. So susceptible was his mind to the impressions of truth and right in whatsoever shape they were presented to it, as to elevate the whole of its faculties to a level with the operations of moral perception, with mankind generally; it belongs to the moral faculty only, to form correct inductions from primitive impressions, among whom too generally even this divine capacity is forced to pay homage to the preconceived errors and prejudices of conscience. In the mind of our President, the reason, the understanding and the judgment in equal dignity with the moral sense, perceived at once the original and natural relation of things and actions to truth and justice. His whole conduct throughout that Revolution, (the most interesting in the history of man, because it involved the freedom of conscience, as well as of persons and property) evinces a mind thus delicately organized. Neither the prejudices of education; a propensity to conform to the desires of a parent whom he loved and revered; a regard for property; nor his own personal safety, nor the safety of his family; had any weight when they were offered to his mind—the eloquent advocates of error and injustice.

With a will at all times cautious, temperate and collected, he rejected their suit; and listened to the cause of Genius of right, of liberty, and his country.

His father was Treasurer of the Province and member of the Council, and he himself an officer of the army, under the provincial Government; circumstances which with many would

have discountenanced any opposition to the measures of Parliament. The situation of Georgia at the commencement of the Revolution, an infant and defenseless Colony; exposed to savages on the frontier and to more horrid apprehensions from domestic enemy; should have rendered her more cautious and averse than the other colonies from incurring the displeasure of a country by which she had been supported and protected—yet these considerations lost their influence in the mind of Doctor Jones, after the repeated aggressions of Great Britain.

It is needless for me to tell you, that the sad story of Colonial oppression commenced in the year 1764, and that the British Parliament then adopted new regulations respecting its colonies which, after disturbing the ancient harmony of the two countries for about twelve years, terminated in the dismemberment of the Empire.

Georgia in its governmental capacity, from a majority of its inhabitants being at first against the measure, did not concur in the petitions and remonstrances from the first Congress to the King. A few of her citizens, however, petitioned and remonstrated individually; stating their rights and grievances in a firm and decided language. Among these patriots was Doctor Jones. On this subject there were, until the fire which ravaged this city in 1796, some interesting relics of a correspondence between our President and Doctor Franklin, who was then in London, exerting his conciliatory talents in behalf of his country.

In 1765 Doctor Jones was President of the Assembly of this Province, and distinguished himself by his opposition to Grenville's Stamp-Act.

When the Colonies were at length convinced of the inexorable temper of the British Parliament, and began to think seriously of dissolving their allegiance to their Mother Country, the necessity and expediency of concert and system in their operations were evident. For this purpose, Committees of Safety and Correspondence were formed, in the several Provinces. These had a most astonishing effect. It is perhaps impossible for human Wisdom to contrive a system more sub-

servient to the purposes intended than the reciprocal interchange of intelligence by such committees. From the want of such communication with each other, and consequently of union among themselves, many states have lost their liberties and more have been unsuccessful in their attempts to regain them after they have been lost. Each committee as a political sensorium collected and communicated the necessary intelligence to every other, thus flashing the flame of patriotism from one end to the other of this widely extended continent. Of a committee formed with such designs in this Province Doctor Jones was a member.

From 1768 to 1770, he filled the appointment of Speaker to the Lower House to which he was uniformly called by the united voice of the friends to his country, notwithstanding the clamorous and malignant opposition made against him by the ministers of the Crown. From his great influence, firmness and manly behavior he had rendered himself so obnoxious to the Royal Government that, although repeatedly returned by the House as its Speaker, he was compelled to relinquish the chair by an arbitrary exercise of one of the prerogatives contended for by the Crown. This excited much commotion. His modesty and temper to conciliate induced him to secede.

When, in consequence of the failure of every honorable attempt at reconciliation, Great Britain, advancing with threats and war, had forced her Colonies to the sad alternative of surrendering their rights, or making a manly stand in defense of them, an Assembly was formed in this State. Of this, the first of the kind in this State, Doctor Jones was chosen the Speaker. Many of the acts of confiscation show his name affixed as such.

He was among the first who associated in this State to send delegates to the General Congress. He was appointed to the first delegation from this State, but declined serving from the entreaties of his father to remain with him who was then very ancient and infirm. Soon after, in 1775, his father died, aged 73 years. Our President was afterwards employed in

several important and confidential appointments, until the surrender of Charleston, in 1780.

On the reduction of Savannah in December, 1778, by the British Army under the command of Lieut. Col. Compbell, he went with his family to Charleston. By that event, he lost the life of his eldest son, who was an officer in the American Army, and the most of his possessions. The whole of his property was then taken by the plunderers of his country, and sequestered; and most of it afterwards attached and sold by the British Gov. Wright for damages which he alleged to have sustained from Doctor Jones, by his having signed, as Speaker of the Assembly, the Act of Confiscation.

During his exile in Charleston he followed the practice of his profession, with his usual success and devotion to his patients. From this place he was removed by the suspicion and jealousy of the British Officers, who viewed him as too formidable an enemy to be suffered to enjoy the common immunities which they had granted to the citizens generally by treaty of capitulation. In violation of the good faith of that treaty Doctor Jones was torn from an affectionate and helpless family to whom, by the disasters of Savannah, he was then rendered the only support, and without the permission being granted to take leave of them, was sent in company with Middleton, Bee, Gadsden, Ramsey, Heyward, and many more of the most conspicuous supporters of the American cause, to St. Augustine, where he underwent the rigorous treatment and confinement of a prisoner of war.

By the talents of Major Hyrne, an officer deputed by Genl. Greene for the purpose, an exchange of prisoners was effected. Those who had been confined at St. Augustine were then released, crowded into a vessel, and sent with a flag to Philadelphia.

No sooner had the countrymen of Doctor Jones heard of his liberation and arrival in Philadelphia than they annexed him to their delegation then in Congress. In the condition of Member of Congress from this State he continued until December, 1782. Here his patriotism and professional talents in-

troduced him to an acquaintance with Doctor Rush by whom he was advised and encouraged to commence practice; which indeed the situation of his family rendered necessary. Several publications appeared attributed to the pen of Doctor Rush, advising the inhabitants of Philadelphia to have recourse to the obstetric talents of Doctor Jones. Here he blended his political engagements with the duties of his profession.

The reduction of Cornwallis being now effected, the news of an amicable adjustment of differences by our ministers in London having reached this country and Savannah evacuated, Doctor Jones, first apprising the Assembly of this State of his intention, returned. On his arrival in Savannah, he was again elected Member of the Assembly, and on its first meeting in January, 1783, was again chosen its Speaker.

The deliberations of this Session were impeded, and the lives of the Speaker and several of the members hazarded by the tumult and commotions of a mob, composed partly of members, who had seceded. In attempting to diffuse a spirit of moderation and compromise between the contending parties, Doctor Jones exposed himself to the fury of the exasperated mob, and had his life eminently endangered. He still persevered with moderation, and finally reconciled the disaffected.

After the adjournment of that session, finding that his practice, as well as his property, was much engrossed by the invaders of his country, and being invited by many of the citizens of Charleston, who had an experience of his professional talents, he left Savannah for that city, in February, and was soon engaged in a very extensive and lucrative practice.

He returned from Charleston to Savannah in 1788, and devoted the remainder of his life to the duties of his profession, chiefly.

His last political act was not very long since. He was President of the Convention which, in Louisville, in May, 1795, amended the Constitution.

The political opinions of a man who thus sacrificed property and domestic happiness at the altar of Liberty and Patriotism, who would at any time have given up his life for the

salvation of his country, are entitled to our regard and reverence. Founded upon purity and rectitude of motive, they are recommended by reason and justice. Doctor Jones, in common with every American citizen, esteemed and revered the character of Genl. Washington, but he disapproved the British Treaty. He was chairman of a committee from the inhabitants of Savannah who addressed the President on that subject. He disliked the measures generally of the late administration; but depreciated foreign influence and party spirit. He believed that talents combined with virtue and moderation would effectually preserve our Union, and Independence and happiness. These were the constant and fervent prayers of this Venerable Patriot. Americans of the present day, recollect the labors, the principles and the men, from whom you have derived the blessings, social, political, and religious, which you enjoy! From the abundance of your admiration and joy, arising from a contemplation of the last and unprecedented enlargement of the intellectual and moral powers of man, as well as, in the melioration of his physical condition, which are, and are likely to be, the results of that Revolution, bestow a little, in gratitude and homage, to the memory of its agents! Associate indissolubly their virtues, their principles, and their names, with your principles of patriotism and your present views of policy and government! Transmit them to your children as you have received them pure and uncontaminated! Thus will they become so many fibres and filaments in the organization of posterity. Thus shall liberty with order, virtue and patriotism, talents with probity, and freedom with happiness be the hereditary birthright of every future American.

Let it be said that Doctor Jones departed from the duties of a physician by devoting a part of his time and labors to the safety and happiness of his country. It belongs to monarchies to limit the business of government to a privileged order of men; and it is from the remains of a monarchical spirit in this country that we complain when clergymen, physicians and mechanics take an active part in the management of civil affairs. The obligations of patriotism are as universal and binding as

those of justice and benevolence, and the virtuous propensities of the human heart are as much resisted by every individual who neglects the business of his country as they are by the extinction of the social and domestic affections in a monastery or a cell. "Man," says the enlightened Rush, "was made for a Republic and a Republic for man; otherwise divine power and goodness have been wasted in the creation and gift of his public affections." The virtuous and just man whose loss we deplore adopted this truth from the evidence of his feelings in common with the rest of mankind; but it was strongly reinforced on his mind. By numerous analogies in nature he saw that light and air are the common and equal portions of every man, and concluded that Heaven intended liberty to be distributed in the same manner among the whole of the human race.

He beheld the beauty and harmony of the universe, the result of universal and mutual dependence, and nobly inferred that Heaven intended rulers to be dependent upon those for whose benefit alone all government should exist. To suppose the contrary, is to deny unity and system in the great plans of the Creator of all things.

It is a maxim equally ancient and well established that the acquaintance we form and the intimacies we contract, reflect, like mirrors, our character, to the world. It may not therefore, be amiss to observe that our deceased President was favored in his life with the friendship and acquaintance of many of the most distinguished in our country, for virtue, probity, and talents. From these may be selected the names of the illustrious Washington and Franklin, of Oglethorpe, Greene, and Wayne of Rush and Ramsay.

Let us now recur to the early life of Doctor Jones, and view his origin and progress in medicine. This, indeed, is the threshold of our subject. Surrounded by difficulties, such as we have mentioned, so inimical to improvement in science and morality; amidst the danger, clamor and confusion of Indian and Spanish War, in which we have seen him engaged from his earliest childhood; Doctor Jones did not neglect the culture of

his mind. There were then in this Province no schools but such as conveyed to the mind the sounds and forms of letters and numbers. As yet the din of war and the yell of the savage had deterred the exalted genius of science and literature from a habitation among the groves of the south. By his father, who was a man of much ingenuity, industry and knowledge, and of great rectitude of character, were presented almost the only advantages for improvement which he enjoyed. Under his direction he acquired a plain English and Latin education, and some knowledge in mathematical science. From him also, as his only source, he derived the rudiments of his professional knowledge.

To Europeans, this climate was then, as it is now, a hot bed of disease. The Colonists groaned as much under the horrors of their physical, as the distress of their political condition. Knowledge and observation were requisite to detect the means, and argument and effort necessary to urge and persuade them to a relinquishment of European customs, and to the adoption of manners and habits calculated to curtail the mortality of their new residence, sickly from its nature, rendered still more sickly by their devotion to the usages of their parent country. With these laudable and benevolent views Doctor Jones turned his attention to the practice of physic; and in 1748 joined his father in the business of his profession which he had followed from the time of his arrival in the Province.

From this time, our President, with the preparation we have mentioned, devoted himself chiefly to medicine. Placed by destinies of which he had not the control in his then savage and unlettered corner of the Western Hemisphere; isolated from the lectures and instruction of men of great medical learning; cut off from all the furniture of a library but what was presented by the solitary shelves of his father's shop; and deprived of the demonstrations of the theater, and the elucidations of the hospital; it is scarcely necessary to add that his only recourse was the Hippocratic method of improving himself in the important duties of his profession. Like that ancient and primitive father of Reason and Observation in medi-

cine, he directed his attention, at once, to the *original source* of all knowledge in physic. The bedside of his patients was *his* university; the *Camp* and *Fort* his hospital and theater. Here taking nature, as she discovered herself in the symptoms of disease, and in the effects of remedies as his preceptor and guide; unshackled by prejudice and system, and unclouded by vain and idle controversies, and subtile and uninformative distinctions of disease; he formed his views and inductions of practice.

Nor is this the only point of resemblance between the character of our late President, and that of the renowned inhabitant of Ancient Cos.

(*To Be Concluded in the September Number.*)

Queries and Answers

M. S.—I do not remember ever seeing any account of the giving of a war dance by the Indians of Georgia, in honor of General Oglethorpe. Is there a record of any such ceremony?

There is. The incident is related in an interesting narrative of "A Voyage to Georgia, Begun in the Year 1735," by Francis Moore, Keeper of Stores, by appointment of the Trustees, in which he described the performance given at Frederica. He wrote: "Next day, being the 26th, the Indians arrived, and camped by themselves near the town, and made a war dance, to which Mr. Oglethorpe went, and all the people. They made a ring, in the middle of which four sat down, having little drums made of kettles, covered with deer skins, upon which they beat and sung; round them the others danced, being naked to their waists, and round their middles many trinkets tied with skins, and some with the tails of beasts hanging down behind them. They painted their faces and bodies, and their hair was stuck with feathers; in one hand they had a rattle, in the other hand the feathers of an eagle, made up like the caduceus of Mercury; they shook these wings and the rattle, and danced round the ring with high bounds and antic postures, looking much like the figures of the satyrs. They showed great activity, and kept just time in their motions, and at certain times answered by way of chorus to those that sat in the middle of the ring. They stopt, and then stood out one of the chief warriors, who sung what wars he had been in, and described (by actions as well as by words) which way he had vanquished the enemies of his country. When he had done, all the rest gave a shout of approbation, as knowing what he said to be true."

R. S. G.—I have always wondered why the business of raising silk in Georgia was abandoned. I know the general impression is that it did not pay; but it seems to me that after all is said, the experiment never had a complete trial, and the discouragement was too readily yielded to. I have also wondered whether the quality of the silk raised was of the finest.

Can you throw any light on this point?

It is doubtless true that the quality of the silk produced in the Colony had nothing to do with the failure to keep up the industry. There are many statements extant showing that it was as good as any raised in any country. Among them we copy the following for the benefit of our correspondent:

"King Street, Cheap Side, Jan. 16, 1739-40.

"To Mr. Harman Verelst:

"Sir,—The silk you was so kind to send to have my opinion of is as good a quality, in all appearance, as any we have from Italy; it is already as well sorted as it can be; indeed the finer the more valuable, as it is so well cleaned.

"The price of raw silk is variable, but at present being dear, I think the greatest part of it is worth twenty shillings per pound.

"I am, sir, your most humble serv't,

"JOHN ZACHARY."

Editor's Notes

In the charter of the Georgia Historical Society, assented to as an act of the Legislature, December 19, 1839, the preamble declares that the corporation was instituted "for the purpose of collecting, preserving and diffusing information relating to the history of the State of Georgia in particular, and of American history generally." While much has been done in the way of collecting matter relating to the history of the State, and nine volumes of collections and many pamphlets have been published, the Society still has material for additional volumes; but an appeal is now made to our members for additions to our store of documents and other original matter useful in preserving and diffusing knowledge relating to all periods of the State's history. Such appeals are always in order, and have been made from time to time, and we take this occasion to add another to the number, hoping that it will meet with abundant success.

At the time this number of our periodical is ready for distribution it is probable that the proposed union of the Georgia Historical Society and the Georgia Historical Association will have been perfected. These two organizations have the same purpose in view as mentioned in the quotation from the charter of the former, given in the foregoing paragraph. It is eminently proper that the two societies be made one body, and that its efforts to accomplish the objects aimed at be made state-wide. The appeal made, therefore, for additions to the material for writing our history includes the members of the united bodies, wherever they may live.

The June number of this periodical will be a special one, containing matter relating to the work done by the two organizations and other things of interest to all members and others. It will necessarily be larger than usual and, for that reason, this number is reduced in size and the printing of the remainder of the N. W. Jones eulogy must be delayed until September.

Among the honorary members elected by the Society, immediately following the founding of the institution, was the great statesman, Daniel Webster. In accepting membership Mr. Webster expressed his opinion as to the need for such organizations in the letter herewith presented:

"Boston, Nov. 25, 1840.

"Dear Sir:

"Your letter of the 13th inst., informing me of my election as Honorary Member of the Georgia Historical Society, is received.

"I pray you to accept for yourself, and to present to the Society, my cordial thanks for the honor thus conferred on me, & to assure them of my hearty sympathy with the objects they have in view.

"It is earnestly to be hoped that similar societies will be formed in all of the States where they do not already exist, that the almost infinite variety of interesting events connected with the early history of our Country may be rescued from that oblivion which is rapidly closing over them, & that they may be collected in a form convenient for the preservation and transmission to future generations. Nowhere in the annals of our race is there to be found more brilliant examples of all those qualities which dignify & adorn human nature than those which distinguished the American Colonies, & it is among our high & imperative duties to take good care that their influence shall not be lost.

"I am, dear sir, your obliged friend

"& fellow citizen,

"DANIEL WEBSTER.

"I K. Tefft, Esq.,

"Cor. Sec'y, &c."

One year before the election of Mr. Webster the venerable John Quincy Adams was enrolled as an honorary member. He was elected during the latter part of the year 1839, when he was in the 73rd year of his age, and he acknowledged the compliment in these words:

"I K. Tefft, Esq., Corresponding Secretary of the Georgia Historical Society, Savannah.

"Quincy, 26 Nov'br, 1839.

"Sir:

"I received some time since your favour of the 13th of August last, informing me of the honour conferred upon me by the Georgia Historical Society, in electing me one of their honorary members. Your letter was accompanied by a copy of the Constitution and By Laws of the Society.

"I pray you, sir, and the members of the Society to be assured of the high sense which I entertain of the mark of distinction which they have bestowed upon me; and of the respect with which I am your and their obed't Serv't.

"JOHN QUINCY ADAMS."

HANDBOOK

THE
GEORGIA HISTORICAL
QUARTERLY



PUBLISHED BY THE
GEORGIA HISTORICAL SOCIETY
SAVANNAH, GEORGIA

VOL. IV—Nos. 2 and 3

JUNE and SEPTEMBER, 1920

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THREE DOLLARS A YEAR

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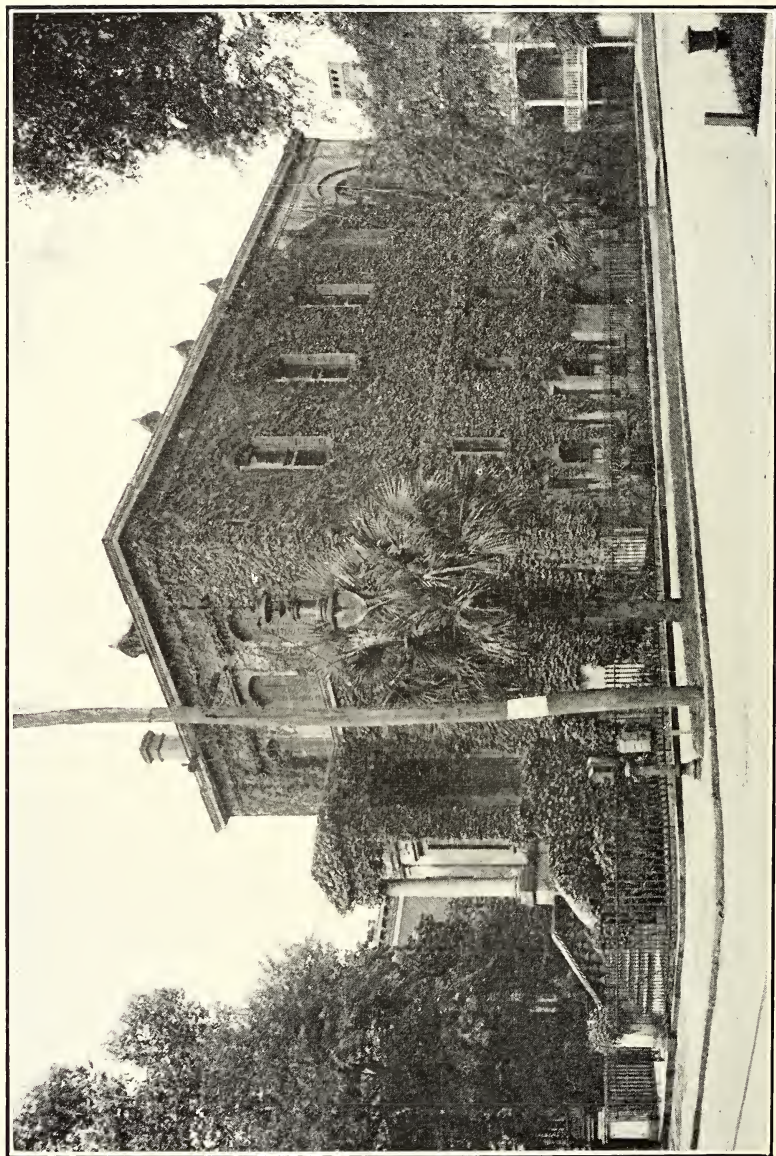


HANDBOOK OF GEORGIA HISTORICAL SOCIETY EIGHTY-FIRST ANNUAL REPORT

PERMANENT UNION WITH
GEORGIA HISTORICAL ASSOCIATION

OFFICERS, CONSTITUTION, ETC.

SAVANNAH, GA.
1920



HODGSON HALL

NOTE

The reorganization of the Georgia Historical Society in this its eighty-second year is so radical and so important as to justify the conversion of this number of the Quarterly into an account of what has been done, with some information as to the Society, its present and its past. This number shows:

1. The Society's charter of 1839, with the amendment of 1870 (pp. 41-44), and the new constitution adopted August 2, 1920 (pp. 45-49).

2. A short list of its publications beginning in 1840 (pp. 56-57).

3. A brief description of Hodgson Hall, its handsome home in Savannah, with the trust under which it is held (pp. 50-52); its Library of about 40,000 volumes and 40,000 pamphlets, and some of its valuable historical possessions (pp. 81-87).

4. A list of those who have been its officers (pp. 132-138).

5. Reports of Officers and Committees submitted at the Eighty-first Annual Meeting February 17, 1920 (pp. 60-70).

6. The Society's resignation (pp. 108-109) as Trustee of Telfair Academy of Arts and Sciences, Savannah's beautiful Art Gallery founded and endowed by Mary Telfair, daughter of Edward Telfair (1735-1807), member of the Sons of Liberty, the Council of Safety, the Continental Congress, signer of the Articles of Confederation, and twice Governor of Georgia. Mary Telfair was last survivor of the name.

An account of the institution of the Academy and the Society's administration of the trust will be found in the Georgia Historical Quarterly for March, 1917. The charter of the new corporation is included herein (pp. 116-118).

7. Accomplishment of the complete union and consolidation of Georgia Historical Association with Georgia Historical Society under the charter of the latter (pp. 109-114).

8. Radical changes in the personnel of the Curators and the Officers (pp. 111-112) indicating the state-wide character of the reorganized society, with reports showing the terms of the consolidation (pp. 93-109). By this union and consolidation Georgia Historical Society has acquired many new members residing in all parts of the state.

This number is sent to all members, including of course, all former members of Georgia Historical Association. By virtue of the consolidation they have *ipso facto* become members of Georgia Historical Society, which extends to them its most cordial greetings.

STEPS IN CONSOLIDATION

At the Annual meeting of Georgia Historical Society, February 17, 1920, the recommendation of the Board of Curators embodied in the President's report (pp. 75-80) was approved and the Society appointed a committee to negotiate with Georgia Historical Association for union and consolidation and to report back to the Society. A like committee was appointed by the President of Georgia Historical Association and the two committees met in Hodgson Hall, Savannah, on March 6, 1920. Their joint action appears from the report of the Society's committee and the plan of union, included herein (pp. 109-114).

This report was presented to the Society at its quarterly meeting, May 3, 1920, and was unanimously approved and adopted as will appear by the resolutions included herein (p. 102).

At its annual meeting in the State Library at Atlanta, May 22, 1920, the plan of union and consolidation was presented to Georgia Historical Association, and was unanimously approved, as will appear by the resolutions of the Association included herein (pp. 102-103).

On July 28, 1920, the Board of Curators of the Society met in Savannah and, under the power conferred upon them by the Constitution, accepted the resignations of certain officers and curators, at the same time filling the vacancies thus created; as will appear by the list of officers included herein (p. 111). On August 2, 1920, the Society's committee on union and consolidation with the approval of the Board of Curators submitted its final report, including the draft of a new constitution in the place of the former constitution and by-laws, which were unanimously adopted and which are included herein (pp. 96-101).

This was the final step in the reorganization of the Society except the acceptance of its resignation as Trustee of Telfair Academy of Arts and Sciences and the appointment of its successor by the Superior Court of Chatham County. This resignation has been filed and petition for charter of a new charitable corporation to be known as Telfair Academy of Arts and Sciences, which it is hoped will be appointed as the new trustee, is pending. (See circular to resident members of the Society, post page 114-116).

The Georgia Historical Quarterly

Volume IV

JUNE and SEPTEMBER, 1920

Numbers 2 and 3

A Note of Explanation to Our Readers

While this is a regular number of the Georgia Historical Quarterly, it has been deemed advisable to depart from the usual form in which the periodical has regularly appeared, and, in place of the articles on subjects of historical interest, matter relating to the recently perfected amalgamation of the Georgia Historical Society and the Georgia Historical Association has been substituted, as indicated in the March number. In this shape, and with the material containing so much information as to the history and work of the now united bodies, it is hoped that this publication, in the nature of a hand-book, will prove acceptable to all of our readers.

AN ACT

TO INCORPORATE THE GEORGIA HISTORICAL SOCIETY

Whereas, The members of a society instituted in the City of Savannah for the purpose of collecting, preserving and diffusing information relating to the History of the State of Georgia in particular, and of American history generally, have applied for an Act of incorporation.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That J. M. Berrien, James M. Wayne, M. H. McAllister, I. K. Tefft, William B. Stevens, George W. Hunter, H. K. Preston, William T. Williams, C. S. Henry, J. C. Nicoll, William Law, R. M. Charlton, R. D. Arnold, A. A. Smets, J. W. Anderson, William B. Bulloch, William H. Bulloch, J. H. Burroughs, J. Balfour, Joseph G. Binney, William P. Bowen, J. B. Bartow, James Barnard, Morgan Brown, G. B. Cumming, Solomon Cohen, Joseph Cumming, D. C. Campbell, J. H. Couper, W. A. Caruthers, W. H. Cuyler, Edward Coppee, William Crabtree, Jr., Archibald Clark, William Duncan, William C. Daniell, George M. Dudley, J. De La Motta, Jr., J. S. Fay, S. H. Fay W. B. Fleming, J. F. Griffin, Robert Habersham, W. Neyle

Habersham, J. C. Habersham, E. J. Harden, S. L. W. Harris, George Jones, J. W. Jackson, P. M. Kollock, G. J. Kollock, Ralph King, T. B. King, William McWhir, J. B. Mallard, John Millen, W. H. Miller, C. McArdell, J. S. Morel, M. Myers, J. F. O'Neill, E. Neufville, E. A. Nisbet, A. G. Oemler, A. Porter, J. F. Posey, Thomas Paine, Willard Preston, Edward Padelford, Thomas Purse, R. W. Pooler, William Robertson, L. O. Reynolds, J. Bond Read, R. H. Randolph, F. M. Robertson, George Schley, James Smith, William H. Stiles, B. E. Stiles, J. L. Shaffer, Charles Stephens, William P. White, John E. Ward, George White, and such other persons as now are and may from time to time become members of said Society, be, and they are hereby, declared and constituted a body corporate and politic, by the name of "The Georgia Historical Society," and by that name shall have perpetual succession, and be capable to sue and to be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all courts or places whatsoever; to have a common seal and the same at pleasure to change or alter; to make, establish and ordain such a Constitution and such By-laws not repugnant to the Constitution of this State or of the United States, as shall from time to time be necessary and expedient, and to annex to the breach thereof such penalty, by fine, suspension or expulsion, as they may deem fit, and to purchase, take, receive, hold and enjoy, to them and their successors, any goods and chattels, lands and tenements, and to sell, lease or otherwise dispose of the same, or any part thereof, at their will and pleasure; Provided, that the clear annual income of such real and personal estate shall not exceed the sum of five thousand dollars; and, Provided, also, that the funds of the said corporation shall be used and appropriated to the purposes stated in the preamble of this Act, and those only.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Society shall have power to elect and qualify such officers as may by them be deemed necessary, to be chosen at such time and to hold their office for such period as the Constitution or By-Laws of said Society shall prescribe; and that if the election of said officers, or any of them, shall not be held on

any of the days for that purpose appointed, it shall be lawful to make such election on any other day.

SEC. 3. And be it further enacted by the authority aforesaid, That it shall be the duty of the Governor of the State to transmit, or cause to be transmitted, to the said Society a set of the Acts and also of the journals of the present and future sessions of the Legislature, and also copies of all other documents, papers, books, and pamphlets that shall hereafter be printed under or by virtue of an act of Legislature, or joint resolution of both branches thereof, unless such Act or resolution shall otherwise provide; and that the said Society may, by their agent or agents, have access at all reasonable times to the several public offices of this State and of the corporate towns and cities thereof, and may cause such documents to be searched, examined and copied without paying office fees, as they may judge proper, to promote the object of the Society.

SEC. 4. And be it further enacted, That this Act shall be and is hereby declared to be a public Act, and shall be construed benignly and favorably for every beneficial purpose therein intended, and that no misnomer of the said corporation in any deed, will, testament, devise, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same; Provided, the corporation shall be sufficiently described to ascertain the intention of the parties.

SEC. 5. And be it further enacted, That the Governor be, and is hereby, authorized and requested to confide to the care and keeping of the proper officers of said Society the transcripts of the Colonial records lately taken by the Rev. C. W. Howard in London, until further disposition of the same shall be made by the General Assembly.

JOSEPH DAY

Speaker of the House of Representatives.

ROBERT M. ECHOLS,

President of the Senate.

Assented to 19th December, 1839.

CHARLES J. McDONALD, *Governor.*

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE GEORGIA HISTORICAL SOCIETY," ASSENTED TO 19TH DECEMBER, 1839.

SECTION 1. The General Assembly of the State of Georgia do hereby enact: That the provisos in the first section of the Act entitled "An Act to incorporate the Georgia Historical Society," assented to on the nineteenth day of December, in the year eighteen hundred and thirty-nine be, and the same are, hereby repealed.

SEC. 2 And it is hereby further enacted, That this Act take effect immediately on its passage; and that all Acts and parts of Acts, so far as they militate with this Act, are hereby repealed.

R. L. McWHORTER,
Speaker of the House of Representatives.

JOHN J. NEWTON,
Clerk of the House of Representatives.

BENJAMIN CONLEY
President of the Senate.

J. G. W. MILLS,
Secretary of the Senate.

Approved October 25th, 1870.

RUFUS B. BULLOCK,
Governor.

GEORGIA HISTORICAL SOCIETY.

CONSTITUTION.

Adopted August 2nd, 1920.

ARTICLE I.

NAME.

The corporate name of the Society is "Georgia Historical Society." Its domicile is Savannah, in Chatham County.

ARTICLE 2.

OBJECTS.

Its objects are to collect, preserve and diffuse information relative to the History of the State of Georgia in particular, and American History generally, and to create an historical library for the use of its members and others.

ARTICLE 3.

MEMBERSHIP.

Members shall be of the following classes: Members, Contributing Members, Sustaining Members, and Life Members, all of whom are classed as active members, and all of whom shall have the right to vote; and Corresponding Members and Honorary Members, who may not vote. Any reputable person may be an active member, and those who pay \$100 shall be Life Members. The Society or the Board of Curators may from time to time elect as Corresponding Members persons having special qualifications in history, and as Honorary Members persons distinguished in history or kindred subjects, or distinguished persons who have given valuable and special aid to the Society in promoting the objects set forth in Article 2. Corresponding Membership and Honorary Membership may be terminated by the Society whenever in its opinion such termination is desirable.

ARTICLE 4.

OFFICERS

The officers shall be a President, four Vice Presidents, a Corresponding Secretary, a Secretary, a Treasurer, a Librarian, a Board of fifteen Curators (herein called the Board), and such other officers as may from time to time be provided for by the Board or the Society.

At each annual meeting five Curators shall be elected to serve for three years, and others shall be elected for such terms as may be necessary to fill existing vacancies. Election of Curators shall be by ballot, unless otherwise ordered by a two-third vote of those present. The Board may fill all vacancies in their number pending the next annual meeting.

All other officers shall be elected by the Board, and shall hold office at the pleasure of the Board. The President, the Vice Presidents and the Corresponding Secretary shall be elected from among the Curators.

ARTICLE 5.

REGULAR MEETINGS.

The Society shall meet annually on the 12th day of February, Georgia Day; but if said day fall on Friday, Saturday or Sunday, the meeting shall be held on the following Monday, Tuesday, Wednesday or Thursday. The Board may from year to year change the date of meeting. The place of meeting shall be from time to time determined by the Society or the Board.

ARTICLE 6.

SPECIAL MEETINGS.

Special meetings of the Society may be called by the Board, by the President or by a Vice President, and shall be called by the President or a Vice President, or the Secretary, upon the written request of five active members.

ARTICLE 7.

ELECTION OF MEMBERS.

Unless otherwise ordered by unanimous vote of those present, admission of members shall be by ballot, and negative votes amounting to one-fifth of the total number of votes cast shall be sufficient to reject. Members may be elected by the Society or by the Board.

ARTICLE 8.

DUES.

Life members, corresponding members and honorary members shall pay no dues. The dues of Members shall be \$3 per annum; Contributing Members \$10 per annum; and Sustaining Members \$25 per annum. All dues shall be for the calendar year and payable on or before February 12th of that year. Members elected after July 1st in any year shall pay one-half the annual dues, and those elected after October 1st shall pay no dues for that year.

ARTICLE 9.

QUORUM.

Twelve active members shall constitute a quorum and be empowered to transact the business of the Society.

ARTICLE 10.

BOARD OF CURATORS.

Except as otherwise provided herein or otherwise ordered by the Society, all powers of the Society are vested in the Board of Curators.

The Board shall meet as soon as practicable after the Annual Meeting and shall then elect from their number the President, the Vice Presidents and the Corresponding Secretary. They shall also elect a Secretary, a Treasurer, and a Librarian.

The Board shall meet from time to time, as often as may be necessary, on the call of the President, any Vice President or any three Curators. Five members shall constitute a quorum.

ARTICLE II

COMMITTEES.

There shall be standing committees on printing and publishing, on finance, and on membership; each to consist of such number of Curators or active members as the Board may determine. The Board may also create other committees, and may delegate to any committee such of its power and authority as it may deem advisable. All committees shall be appointed by the President, unless otherwise ordered by the Board or the Society.

ARTICLE 12.

TERM OF OFFICE.

Subject to Article 4, all Officers shall hold office until the annual meeting next succeeding their election, and all officers and Curators shall hold office until their successors shall have been elected and qualified.

ARTICLE 13.

DUTIES OF OFFICERS.

(1.) The President shall preside at all meetings of the Society and Board of Curators, shall be the chief officer of the Society, and shall perform such duties as usually appertain to the office or may be assigned to it.

(2) The Vice Presidents shall perform such duties as may be from time to time assigned to them by the Society, the Board or the President. In the absence or disability of the President all the duties of the office shall devolve upon the Vice Presidents in order of rank.

(3) The Corresponding Secretary shall conduct all correspondence relating to the business of the Society as a historical organization, shall perform such other duties as may be from time to time assigned by the Society or the Board, and shall preserve as the property of the Society full files of all correspondence.

(4) The Secretary shall keep the records of all meetings and shall perform all other duties that usually appertain to the office of Secretary except those assigned to the Corresponding Secretary.

(5) The Treasurer shall collect and disburse for account of the Society, and shall be the custodian of, its funds and its securities; and shall give such bond, if any, and make disbursements under such rules and regulations, as may from time to time be prescribed by the Board or by any committee to whom it shall delegate this power.

(6) The offices of Secretary and Treasurer may be combined in one person.

(7) The Librarian shall have custody and charge of all books, manuscripts, documents, pamphlets, papers, articles of historical value, and all property other than that appropriately entrusted to the Secretary or the Treasurer; and shall perform such other duties as may from time to time be assigned by the Board or by any committee to whom it shall delegate this power.

(8) All officers except the Vice Presidents shall make reports at the Annual Meeting. All officers shall make such reports to the Board or to the Society as may from time to time be required of them by either.

ARTICLE 14.

AMENDMENTS.

This Constitution may be altered or amended by the affirmative vote of two-thirds of the active members present at any meeting, annual or special, at which a quorum shall be present.

HODGSON HALL

(See Frontispiece)

Margaret Telfair Hodgson, widow of William B. Hodgson of Savannah and sister of Mary Telfair, founder of Telfair Academy of Arts and Sciences and other charities in Savannah, began in her lifetime the erection of a building on Lot 14, Forsyth Ward, southwest corner of Gaston and Whitaker Streets in Savannah, to be called Hodgson Hall, as a memorial to her scholarly husband, and for the use and benefit of Georgia Historical Society. Before completing it she died leaving her sister, Mary Telfair, as residuary legatee. On June 10, 1874, Miss Telfair, reciting these facts, executed and delivered to the late General Alexander R. Lawton and his successors a trust deed conveying the property for the benefit of the Society and charging the residuary estate of her sister in her own hands with the completion of the building, "in trust nevertheless, to permit the Georgia Historical Society to have the exclusive use, possession, control and management of said building and lot; Provided, said Society will, through its proper officers, accept the same on the following terms and conditions to-wit: That the said building shall be known as, and called, Hodgson Hall; that no public speaking shall be permitted within the walls of said building, except under the auspices or connected with the business of said Georgia Historical Society; that no entertainments or amusements of any kind, which include or involve eating, drinking or smoking, be permitted within the walls of said building; that the building is never to be rented or lent out for any purposes whatsoever; and, further that under the portrait of the said William Brown Hodgson, which is to be hung on the wall of said building, shall be inscribed, in permanent letters, the following words: "In Memoriam, William Brown Hodgson; this building is erected by Margaret Telfair Hodgson, A. D., 1873," or other words of similiar import; and that the other conditions, on which the use and con-

trol of the building are committed to the Georgia Historical Society shall also appear conspicuously on the wall of the principal Hall in the building.

Miss Telfair died June 2, 1875. The building was completed by her executors and was dedicated and delivered to the Society on February 14, 1876. For forty-four years Hodgson Hall has been the Society's home and place of meeting, containing its valuable library, manuscripts, portraits and other articles of historical value.

EXTRACT FROM THE REPORT OF PRESIDENT WILLIAM W. MACKALL, MADE AT THE SEVENTY-EIGHTH ANNUAL MEETING, HELD FEBRUARY 12TH, 1917.

On the first day of July last, the contract with the City, by which Hodgson Hall, the Society's home, for some twelve or fifteen years past, had been used as a public library, was terminated by mutual consent;—an event which was hailed by the Society with pleasure and gratification, for it had been seen that while this contract had proven of inestimable benefit to the people of Savannah, making it possible, as it did, that they should have the advantages of a public library, it worked to the serious detriment of the welfare of the Society, depriving it of the use of its library building and giving the impression that the Society had, to a more or less extent, retired from active operations.

With the return of Hodgson Hall to the Society, steps were immediately taken to repair and remedy the building, so as to make it in every way suitable for the purposes intended;—and at the same time a committee was appointed to outline and recommend a policy to be adopted by the Society for its future work. The recommendations of this committee, which were duly adopted by the Society, are embodied in the Committee's Report to the Society.

Speaking generally, the purport of these recommendations was two-fold:

1st. The enlargement and systematization of the activities of the Society for usefulness.

2nd. The arousing among the people of the State at large a deeper interest in the work and objects of the Society.

The Society at once set itself to work to accomplish the ends proposed, and we confidently believe that our efforts in this direction have so far proven fruitful of satisfactory results.

GEORGIA HISTORICAL SOCIETY
OFFICERS, CURATORS AND COMMITTEES
FEBRUARY 17TH, 1920.

OFFICERS.

| | | |
|--------------------------------------|-----------|---------------------|
| <i>President</i> | - - - - - | ALEXANDER R. LAWTON |
| <i>Vice President</i> | - - - - - | THOMAS J. CHARLTON |
| <i>Vice President</i> | - - - - - | OTIS ASHMORE |
| <i>Vice President</i> | - - - - - | ALEXANDER C. KING |
| <i>Vice President</i> | - - - - - | LAWTON B. EVANS |
| <i>Corresponding Secretary</i> | - - - | OTIS ASHMORE |
| <i>Secretary and Treasurer</i> | - - - | CHAS. F. GROVES |
| <i>Librarian and Editor</i> | - - - | WILLIAM HARDEN |
| <i>Treasurer, Telfair Trust Fund</i> | - - | CHAS. F. GROVES |

CURATORS

| | | |
|-----------------------|-----------|---------------|
| OTIS ASHMORE | - - - - - | SAVANNAH, GA. |
| THOMAS J. CHARLTON | - - - - - | SAVANNAH, GA. |
| T. M. CUNNINGHAM, JR. | - - - - - | SAVANNAH, GA. |
| WYMBERLEY W. DERENNE | - - - - - | SAVANNAH, GA. |
| CHARLES ELLIS | - - - - - | SAVANNAH, GA. |
| LAWTON B. EVANS | - - - - - | AUGUSTA, GA. |
| BEVERLY D. EVANS | - - - - - | SAVANNAH, GA. |
| HENRY R. GOETCHIUS | - - - - - | COLUMBUS, GA. |
| WM. W. GORDON | - - - - - | SAVANNAH, GA. |
| DUPONT GUERRY | - - - - - | MACON, GA. |
| ALEXANDER C. KING | - - - - - | ATLANTA, GA. |
| ALEXANDER R. LAWTON | - - - - - | SAVANNAH, GA. |
| BENJAMIN H. LEVY | - - - - - | SAVANNAH, GA. |
| J. F. MINIS | - - - - - | SAVANNAH, GA. |
| WM. W. WILLIAMSON | - - - - - | SAVANNAH, GA. |

STANDING COMMITTEES.

FINANCE

J. FLORANCE MINIS, *Chairman*
 T. M. CUNNINGHAM, JR.
 THOMAS J. CHARLTON
 CHARLES ELLIS
 BEVERLY D. EVANS

LIBRARY

OTIS ASHMORE, *Chairman*
 J. FLORANCE MINIS
 MRS. ANNA BELLE KAROW
 CHARLES ELLIS
 HENRY R. GOETCHIUS

PRINTING AND PUBLISHING

, *Chairman*

W. W. GORDON
 ALEXANDER C. KING
 LAWTON B. EVANS
 T. M. CUNNINGHAM, JR.
 LEONARD L. MACKALL

MEMBERSHIP

WM. W. WILLIAMSON,
Chairman

LAWTON B. EVANS
 HENRY R. GOETCHIUS
 DUPONT GUERRY
 BENJAMIN H. LEVY
 W. W. GORDON *and others.*

MANAGING COMMITTEE, TELFAIR ACADEMY.

ALEXANDER R. LAWTON, *Chairman.*
 BEVERLY D. EVANS
 MISS ELISABETH BECKWITH
 BENJAMIN H. LEVY
 WILLIAM W. WILLIAMSON

EXTRACT FROM THE SEVENTY-FIFTH ANNUAL
REPORT OF THE PRESIDENT, FEBRUARY 12, 1914.

The Georgia Historical Society was incorporated by act of the General Assembly of Georgia approved December 19, 1839, and amended October 25, 1870. Its first Annual Meeting was held on Georgia Day, February 12, 1840. The list of its charter members contains many names of the men of that day whose memory we delight to honor. It is headed by John McPherson Berrien, our first President, probably the most distinguished lawyer who ever practiced at the bar of Georgia, United States Senator, Attorney General in Andrew Jackson's Cabinet; and next is James M. Wayne, our first Vice President, Judge of the Superior Court, Member of Congress, and for thirty-two years a Justice of the Supreme Court of the United States.

We now celebrate the passage of the third quarter century of its existence. When the first of these three periods expired the country was engaged in the throes of the Civil War, and while most of the members were then so busily engaged in the making of history that they could devote to its preservation neither time nor thought, it is worthy of note that those whose duties or disabilities kept them from going to the front continued to maintain the organization and to hold regular meetings through those four trying years; but there was no celebration of the twenty-fifth anniversary in 1864.

Not even did the trying days of reconstruction suppress the zeal of the then members. In 1873 just at the end of this period which had so tried men's souls and thrown the State into almost hopeless poverty, the publication of the "Collections of the Georgia Historical Society" was resumed after a lapse of twenty-five years by the issue of Volume III in 1873. "A sketch of the Creek Country in 1798 and 1799, by Benjamin Hawkins," had been published in 1848 as Volume III, Part 1, and I am unable at this date to explain why this designation was ignored in the publication of the other Volume III in 1873, containing Letters of General James Oglethorpe to the

Trustees of the Colony, 1735-1744, Letters of Governor Sir James Wright to his chiefs in England, and two addresses delivered before the Society.

In 1889, when your Society had reached the age of 50 years, the occasion was appropriately celebrated, and a full account of this celebration has been transmitted to all members as an appendix to the programme of the present occasion.

It would be inappropriate to this report to now recount the history of the Society for the seventy-five years which have elapsed. It has been given from time to time in former reports and in the Collections of the Society heretofore issued. Suffice it to say here that for the full seventy-five years it has been a living active body, with no period of suspended animation, with no need of reorganization or revival. We still have the recorded minutes of all its meetings and transactions from the beginning. Clearly it is the oldest Historical Society in the South and one of the oldest in the Union.

What are the notable events of our three periods? The first quarter century covered the foundation and organization of the Society, the Second, the foundation and organization of the Telfair Academy of Arts and Sciences. What of the third? Have we proved worthy successors of our predecessors? While we have had our days of prosperity and our days of struggle for existence, yet there are three noteworthy achievements which we can recall with pride and satisfaction. The first is that we have more than sustained the pace set by our predecessors in the publication of our "Collections;" the second is our material and potent part in giving to Savannah the Public Library which she has so long needed; and the third is the continued improvement of the Telfair Academy (which twenty-five years ago was but in its infancy) and its establishment as a Museum of Arts whose excellence is universally recognized.

PUBLICATIONS

The Librarian has compiled a bibliography of the Society's publications, containing not only the series designated as Collections of the Georgia Historical Society, but also other books,

addresses, etc., published by it or under its auspices. During its first quarter century, from 1839 to 1864, there were published three volumes of its Collections; during the second quarter century, 1864 to 1889, Volumes III and IV appeared; during the quarter century now closing there have appeared Volume V, Part I, (1901), Volume V, Part 2 (1902), Volume VI (1904), Volume VII, Part I (1909), Volume VII, Part 2 (1911), Volume VII, Part 3 (1913), and Volume VIII (1913). Each of these parts is itself a separate and complete publication. In the first quarter century the Society issued three publications, in the second quarter century but two, and in the third quarter century seven. The later period in our history shows a greater activity in the preservation and dissemination of the history of Georgia than does the entire half century of the earlier period.

PUBLIC LIBRARY

While the Georgia Historical Society has always been limited in the extent of its activities by the want of funds, and while this want has been accentuated and increased by the fact that during about one-third of its existence the people of our State were suffering from the losses and the arrest of progress due directly and indirectly to our Civil War, yet its work will compare favorably, not only with the work of similar societies in the South, but with the work of many historical societies in the older and more prosperous states. Most of its accomplishments have been strictly within the line of its duty and the objects prescribed by its charter; but the last quarter century of its life has been distinguished by a foundation outside of the field of its activities as a historical society pure and simple, but of great benefit to the community in which it is domiciled.

The first meeting for organization of the Georgia Historical Society in 1839 was held in the rooms of the Savannah Library Society, whose object is sufficiently indicated by its name. The general activities of these two societies for many years, the close association between them, and the ultimate merger of the two are fully set forth in an interesting address

by Dr. Richard D. Arnold delivered before the Society on July 24, 1871, and printed in Volume III of its Collections. The absorption of the Library Society accounts for the fact that our own organization, founded for purely historical purposes, collected in its library not only works bearing on historical subjects, but also books suitable for a circulating library. For a number of years the gathering and publishing of historical material was secondary to its principal work of maintaining a circulating library, and when it had several hundred members the great inducement was ability to obtain for a small annual fee the privilege of a library—a privilege not open to them through any other organization or through any public institution.

The dual nature of the Society under its former organization is well indicated by the fact that Dr. Arnold's sketch is addressed to "Gentlemen of the Georgia Historical and Savannah Library Societies, now consolidated as the Georgia Historical Society." Dr. Arnold, for many years one of our most distinguished citizens, a ripe scholar of great culture, was himself a founder of our Society and was old enough to remember the beginnings of the Savannah Library Society, which was organized on January 8, 1809. It is interesting to observe that among the founders of this older organization were John McPherson Berrien the first President, James M. Wayne the first Vice President, of the Georgia Historical Society, and Alexander Telfair, the brother of Mary Telfair and of Margaret Telfair Hodgson, to whose wise and thoughtful generosity we are indebted for the Telfair Academy of Arts and Sciences and for Hodgson Hall.

It is a pleasure to remind you that this valuable municipal utility has been built up under the executive administration of two of the officers of this Society who have been successively Chairman of the Public Library, Mr. Baldwin your First Vice President, and Mr. Otis Ashmore your corresponding Secretary.

The public press reports that our Mayor has procured from Mr. Carnegie a promise of \$75,000 for the erection of a

Public Library building. While the sum is inadequate and must be increased, and while there is a decided sentiment among many citizens that the funds for the library building should come from other sources, yet from our standpoint this information must be received with pleasure and satisfaction. We need our building. We have shown public spirit and generosity to an extent greater than could be expected of us. The Public Library is now necessarily a permanent institution. No city administration would dare abandon it, and we have done a great work in promoting it. Let a suitable public library building be erected with all practicable speed and let the Georgia Historical Society resume its own, and return to its dignified home, surrounded by its own volumes and encouraged by its traditions to proceed with the good work for which it was founded, mindful always of its avowed "purpose of collecting, preserving and diffusing information relating to the history of the State in particular and of American history generally."

The contract with the city provides that on its termination the city shall deliver to the Society all the books turned over by it to the Public Library "as well as those bought to add to the same." Among these are works of current fiction and others not necessary to the completeness of the library of a purely historical body, and I have no doubt when the new building is completed, the Society will meet the Mayor and Aldermen in a spirit of equity and generosity, and will be willing, if the city shall return to the Society its building in first-class condition and as well suited in its interior arrangements to our purposes as it was when surrendered, to make liberal concessions.

ANNUAL REPORT OF SECRETARY-TREASURER

Savannah, Ga., February 17, 1920.

To the Georgia Historical Society:

Your Secretary-Treasurer submits herewith a list of all the members of the Society at this date. The list shows names and addresses as well as information as to members in arrears. One mark indicates those who still owe for 1919; two marks for 1918; three for 1917; and four for 1916.

At this date the active members number 450; Life, 4; Honorary, 5; Corresponding, 10. The increase over last year at this time amounts to 138 active and 1 life.

Condensed annual financial statement for Georgia Historical Society and also for Telfair Academy of Arts and Sciences, for the year ended December 31, 1919, are also submitted herewith.

Insurance carried by Telfair Academy of Arts and Sciences, on building \$61,000; contents, \$44,000; total \$105,000.

Insurance carried by Georgia Historical Society, on building \$27,000; contents, \$15,000; total, \$42,000.

Respectfully submitted,

CHAS. F. GROVES,
Secretary-Treasurer.

GEORGIA HISTORICAL SOCIETY

CONDENSED ANNUAL REPORT OF CHARLES F. GROVES, TREASURER, FOR YEAR 1919.

Jan. 1 BALANCE:

| | | | |
|----------------------------------|--------|--------|--|
| Savings Account - - - - - | \$3.61 | | |
| Less | | | |
| Open Account Overdraft - - - - - | 3.48 | \$.13 | |

RECEIPTS

| | | | |
|--------------------|------------|------------|------------|
| Dues - - - - - | \$2,058.80 | | |
| Sales - - - - - | 66.40 | | |
| Interest - - - - - | .06 | | |
| Loans - - - - - | 1,125.00 | \$3,250.26 | \$3,250.39 |

DISBURSEMENTS

| | | | |
|---|------------|------------|------------|
| Salaries - - - - - | \$1,662.50 | | |
| Lighting Current - - - - - | 16.26 | | |
| Fuel - - - - - | 20.70 | | |
| Payment of loan to Lawton & Cunningham - - - - - | 125.00 | | |
| Repairs - - - - - | 10.65 | | |
| Printing costs in re: publication of Quarterly - - - - - | 699.35 | | |
| Supplies and postage - - - - - | 225.74 | | |
| Subscriptions and purchases - - - - - | 58.87 | | |
| Insurance - - - - - | 44.00 | | |
| Miscellaneous - - - - - | 6.11 | \$2,869.18 | |
| Dec. 31 BALANCE - - - - - | | 381.21 | \$3,250.39 |

PERMANENT FUND

1919

Jan. 1 BALANCE:

| | | | |
|--|-----------|------------|--|
| Cash - - - - - | \$ 270.85 | | |
| 3rd L. L. Bond - - - - - | 1,500.00 | | |
| C. R. E. & I. Co. Certificate of Indebtedness - - - - - | 856.79 | \$2,627.64 | |

RECEIPTS

| | | | |
|--|-----------|-----------|------------|
| Interest - - - - - | \$ 124.11 | | |
| R. J. Nunn Trust Fund - - - - - | 66.94 | | |
| Strachan Life Membership - - - - - | 100.00 | \$ 291.05 | \$2,918.69 |
| Dec. 31 Cash - - - - - | | \$ 561.90 | |
| 3rd L. L. Bond - - - - - | | 1,500.00 | |
| C. R. E. & I. Co. Certificate of Indebtedness - - - - - | | 856.79 | \$2,918.69 |

Correct:

CHAS. F. GROVES,
Treasurer.

July 26, 1920.

GEORGIA HISTORICAL SOCIETY

IN ACCOUNT WITH CHARLES F. GROVES, TREASURER.
CONDENSED REPORT FOR THREE MONTHS ENDED
JUNE 30TH, 1920.

1920

April 1, BALANCE \$ 693.88

RECEIPTS.

| | | |
|---|-----------|------------|
| Dues - - - - - | \$ 832.15 | |
| From Permanent Fund - - - | 1,500.00 | |
| Sale of Publications - - - - | 8.00 | |
| Refund by Telfair Academy of insurance premiums paid by G. H. S. for its ac- count - - - - - | 140.00 | 2,480.15 |
| | <hr/> | <hr/> |
| | | \$3,174.03 |

DISBURSEMENTS.

| | | |
|---|----------|------------|
| Subscriptions - - - - - | \$ 18.50 | |
| Books - - - - - | 22.50 | |
| Fuel - - - - - | 10.85 | |
| Current - - - - - | 3.66 | |
| Insurance premiums - - - - | 262.00 | |
| Salaries - - - - - | 325.00 | |
| Payment of Chatham Bank & Trust Co. note - - - - - | 1,000.00 | |
| Interest - - - - - | 17.70 | |
| Braid & Hutton, printing Quarterly - - - - - | 100.45 | |
| Miscellaneous - - - - - | 49.50 | \$1,810.16 |
| | <hr/> | |

June 30, BALANCE 1,363.87

\$3,174.03

PERMANENT FUND.

| | | |
|----------|--------------------|-------------------|
| 1920 | | |
| April 1, | BALANCE | \$3,053.66 |
| | Interest - - - - - | 15.15 |
| | | <u>\$3,068.81</u> |

DISBURSEMENTS.

Transferred to Current Account:

| | | |
|-------------------------------|------------|------------|
| Cash - - - - - | -\$ 638.77 | |
| " - - - - - | 4.44 | |
| Proceeds of C. R. E. & I. Co. | | |
| Certificate of Deposit - - - | 856.79 | \$1,500.00 |

| | | |
|----------|---------------------------|-------------------|
| June 30, | BALANCE | |
| | 3rd L. L. Bonds - - - - - | -\$1,500.00 |
| | Cash - - - - - | 68.81 |
| | | <u>\$1,568.81</u> |
| | | <u>\$3,068.81</u> |

Correct:
CHAS. F. GROVES,
Treasurer.

TELFAIR ACADEMY OF ARTS AND SCIENCES
IN ACCOUNT WITH CHARLES F. GROVES, TREASURER,
JULY 26TH, 1920.
CONDENSED REPORT FOR THREE MONTHS ENDED
JUNE 30TH, 1920.

| | |
|----------|------------|
| 1920 | |
| April 1, | BALANCE |
| | \$2,521.66 |

RECEIPTS.

| | | |
|------------------------------|-----------|-------------------|
| Sale of Catalogues - - - - - | -\$ 21.05 | |
| Interest - - - - - | 40.63 | |
| Miscellaneous - - - - - | 3.00 | 64.68 |
| | <u></u> | <u>\$2,586.34</u> |

DISBURSEMENTS.

| | | |
|--|-----------|------------|
| Salaries - - - - - | \$ 405.00 | |
| Lighting current - - - - - | 11.89 | |
| Telephone - - - - - | 8.00 | |
| Fuel - - - - - | 45.30 | |
| Express charges - - - - - | 112.82 | |
| Labor in re Exhibits - - - - - | 37.70 | |
| American Federation of Arts, in re Metropolitan Exhibit - | 83.00 | |
| Harding Exhibit - - - - - | 57.00 | |
| Buffalo Fine Arts Academy additional expense in re | | |
| Roll Exhibit - - - - - | 116.83 | |
| Painting interior - - - - - | 482.71 | |
| Repairs - - - - - | 18.50 | |
| Curtains - - - - - | 100.00 | |
| Supplies - - - - - | 7.50 | |
| Burglar Alarm Service - - - | 112.50 | |
| Insurance Premiums - - - - | 383.75 | |
| Carl Brandt Cemetery Lot - - | 2.00 | |
| Chapter Dues - - - - - | 10.00 | |
| Miscellaneous - - - - - | 2.00 | \$1,996.50 |
| | | <hr/> |
| June 30, BALANCE | | \$ 589.84 |
| | | <hr/> |
| | | \$2,586.34 |
| | | <hr/> |

SECURITIES OWNED.

| | | |
|-----------------------------------|-----------|--------------|
| Augusta & Savannah Railroad Stock | - - - - - | \$100,000.00 |
| War Savings Stamps | - - - - - | 842.00 |
| Fourth Liberty Loan Bond | - - - - - | 1,000.00 |
| | | <hr/> |
| | | \$101,842.00 |

Correct,

CHAS. F. GROVES,
Treasurer.

ANNUAL REPORT OF THE CORRESPONDING
SECRETARY

Savannah, Ga., Feb. 12, 1920.

*To the Georgia Historical Society.**Gentlemen:*

During the year the work of the Corresponding Secretary has been considerably varied. Inquiries about historical matters have come from nearly every state in the Union, and I have made prompt reply to all, giving the information requested whenever possible.

In the latter part of the year I undertook to secure more members for the society through a plan of correspondence. I sought to obtain from each county in the state a list of names of such persons as would probably be interested in the work of the society. For this purpose I wrote to the Ordinary of every county in the state extending him an invitation to become a member of the society, and requesting him to mail me a list of such persons in his county as would most likely take an interest in the society's work. A printed pamphlet setting forth the organization of the society, its purpose and its past work was mailed to each. Very few responses were received from this request. A sufficient number of new members were thus obtained, however, to reimburse the society for the expense of printing and mailing the communications, and the dues following the first year will be net gain. There ought to have been a more general response to this request, but it only illustrates how much men are moved by personal appeal rather than by long distance writing.

A similar invitation was sent to the Regents of some sixty chapters of the Daughters of the American Revolution, and a number of these sent in their applications for membership.

Invitations to become members of our society were sent to a number of our public men in Georgia to whom I believed our work would appeal. Among these were the Governor, Sec-

retary of State, our two United States Senators, and every member of the Lower House of Congress, but I regret to say that not one of these replied. However, the total number of new members obtained through these efforts was not altogether discouraging.

It should be a source of gratification to the members of our Society that it stands high in the estimation of other historical societies throughout the country, and that its archives are recognized for their rarity and value. We can also have the satisfaction of knowing that we are performing a duty to posterity that will be more and more appreciated as the years go by.

Respectfully submitted,

OTIS ASHMORE,
Corresponding Secretary.

ANNUAL REPORT OF THE LIBRARY COMMITTEE
FOR THE YEAR 1919

To the Georgia Historical Society:

Gentlemen:

Owing to the limited financial resources of the Society the committee on the library has not been able to purchase many books, or to make many improvements in our equipment during the year. Nevertheless quite a number of valuable books have been acquired chiefly through gifts, government publications, and through exchanges with other societies, as will be seen from the report of the Librarian.

The physical condition of the building and its contents is excellent. It became necessary to make some extensive repairs upon the roof last summer, the cost of which amounted to \$235.90. Aside from this expense the cost of upkeep has been practically nothing.

The daily use of the library has not been large. No historical society's daily use is large. But its use is important. A historical society with adequate resources at its command may function actively and extensively in many useful fields, but as a repository of information and reference it is of great value. It is to be hoped that the income of the society may soon justify greater activity and greater usefulness to the people of our state.

Respectfully submitted,

OTIS ASHMORE,
J. F. MINIS,
Committee.

ANNUAL REPORT COMMITTEE ON PRINTING AND
PUBLISHING

Savannah, Ga., February 7, 1920.

To Georgia Historical Society:

Following is the report of the Committee on Printing and Publishing:

The contract for printing the Georgia Historical Quarterly was let by the Committee to Braid & Hutton for \$2.00 a page for 500 copies the issue. This price was somewhat more than paid in previous years but was considerably less than could be obtained elsewhere. M. S. & D. A. Byck Co. offered to print the magazine for \$2.325 a page, while the Commercial Lithograph & Printing Company asked \$2.90.

Three numbers of the Magazine, namely the March, June and September, 1919, numbers have been published while the January, 1920, number is now on the press and will appear in a week or two. It has been impossible to publish the magazine on time and this has been mainly due to the printers, who were unable to keep up to the schedule during the War. This year's January number is appearing a little in advance of the corresponding number last year, but it was not possible to make up the entire amount of lost time.

The Committee has left practically the entire choosing of material and editing of the magazine to the Editor, Mr. William Harden, feeling that he was best qualified by experience and knowledge to do this work. They wish to thank him for the untiring interest he has shown and they wish him to receive entire credit for giving the Society such an excellent magazine.

Respectfully submitted,

WYMBERLEY W. DeRENNE, *Chairman*
WM. W. GORDON.*Committee on Printing and Publishing.*

LIBRARIAN'S ANNUAL REPORT

Savannah, Ga., 3d February, 1920.

*To the Board of Curators of the Georgia Historical Society.
Gentlemen:*

At the time of my last annual report there were in the Library a total of 40,038 volumes, and a large number of pamphlets. Since that time additions have been made amounting to 358 volumes and 2,906 pamphlets. This gives us, then, at the close of the year, the large number of 40,396 volumes and about 26,000 pamphlets, but the exact number of the latter is not positively estimated.

The additions have come mainly from the various departments of the U. S. Government, but our members have been mindful of our wants, and contributions of some value have been received from several of them. Special mention of some of these gifts have been made in the numbers of the Georgia Historical Quarterly.

Within the last few days, the members of the Camp Community Service, organized for special work (most successfully and heartily performed) during the recent great world war, but now disbanded, turned over to us, for preservation and as an interesting part of the history of that war carried on in this community, the complete records of that splendid organization, together with the service flag used by those patriotic women in the good work done at their headquarters, as well as five framed pictures which hung upon the walls of their meeting place. These have come to us through the hands of Mrs. Iola G. Bishop who sent the records and flag done up in a neat manner, rolled in water-proof and dust-proof cloth, and accurately described in well-lettered inscriptions painted on the packages.

Through Mr. Simon N. Gazan there has recently come into our possession a volume containing the "Minutes of the Jasper Festival," beginning with Nov. 22d, 1887, and complete to the

end of the service of the organization formed in connection with the work of erecting the monument to Sergeant William Jasper by the "Jasper Monument Association."

It is well that the persons mentioned thought it proper to commit these records and other historical articles to the custody of our Society which is truly the rightful custodian of such things.

Respectfully submitted,

WM. HARDEN,
Librarian.

GEORGIA HISTORICAL SOCIETY
EIGHTY-FIRST ANNUAL REPORT OF THE PRESIDENT

Savannah, Ga., February 12, 1920.

In accordance with the by-laws, I submit the Eighty-first Annual Report of the President.

OFFICERS AND CURATORS.

During the year Mr. Wm. W. Mackall, who has been a curator since February 12, 1902, and who, as President for the five years preceding the annual meeting of 1919, so successfully brought about the resumption by the Society of the possession and use of its building and its books on establishment of the municipal public library, and also the inauguration of the Georgia Historical Quarterly, presented his resignation as a curator, which was accepted by the Board with much regret. Judge Beverly D. Evans, Judge of the District Court of the United States for the Southern District of Georgia, was elected to fill Mr. Mackall's unexpired term.

The terms of Messrs. Charles Ellis, Wm. W. Gordon, Alexander C. King, Wm. W. Williamson and Beverly D. Evans expire at this meeting and their successors will be elected at this meeting to serve for three years.

MEMBERSHIP.

During the year just closed the membership dues were changed from \$10 for male residents of Chatham County, and \$5 for all other active members, to a uniform charge of \$5 per annum, with the hope and expectation that this would result in such an increase of membership as to bring a larger income from dues. The Committee on Membership, Mr. W. W. Williamson, Chairman, which was appointed during the

year, ably assisted by Mr. Otis Ashmore, Vice President and Corresponding Secretary, has been diligent and the following is the paying membership to-day as compared with last year :

| Class | 1919 | 1920 | In-crease | De-crease |
|----------------------------------|-------|-------|-----------|-----------|
| Residents Chatham Co., Men - - - | 84 | 202 | 118 | |
| “ “ “ Women - - - | 35 | 55 | 20 | |
| | <hr/> | <hr/> | <hr/> | |
| Total - - - | 119 | 257 | 138 | |
| Non-Residents “ “ Men - - - | 174 | 166 | | 8 |
| “ “ “ “ Women - - - | 14 | 22 | 8 | |
| “ “ “ “ Organiza- tions - - - | 5 | 5 | - | - |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total - - - | 193 | 193 | - | - |
| Grand Total Active Members - - - | 312 | 450 | 138 | |
| | <hr/> | <hr/> | <hr/> | |

On the assumption that all members pay their dues, the result after taking into consideration the reduction of dues for male residents of Chatham County would bring an income from dues of \$2,250.00 in the coming year as compared with \$2,080.00 on the old basis for the preceding year. The actual collection of dues however during the year 1919 was \$1,818.80 for 1919 and \$240.00 for prior years. The number of persons, men and women, but chiefly men, whose reputation and standing are good, but who are willing to enroll themselves as members of such an organization as this and persistently fail to pay the dues for a series of years is astonishing. I do not attempt to explain.

FINANCES.

Your cash balance of a year ago was 13 cents with no unpaid current bills. This was exclusive of the permanent fund established with small beginnings in 1912, consisting of cash and securities with a book value, and approximately a market value, of \$2,627.64, which during the year has been increased by current accumulations to \$2,918.69. It is estimated that, after making reasonable allowances for default in the payment of dues, the Society's requirements for the coming year will exceed its prospective income by approximately \$900. During the year there was a deficit, and by authority of the curators a bank loan of \$1,000 was made to meet current bills. The repayment of this loan, which is not included in the estimate, would increase the deficit to \$1,900.

This change in financial condition is easily accounted for by the assumption of expenses, some which the Society had never previously incurred and some of which it had been relieved for many years because its building and its library had been devoted to the use of the city, chiefly at the city's expense. We now keep Hodgson Hall open for the accommodation of members and we have added the publication of the Quarterly. These items add approximately \$2,500 to our annual expenses. This report will recommend to you action which is closely allied to the question of finances, and I make no recommendation at this point.

LIBRARY.

Under the efficient administration of Mr. Wm. Harden, who has been Librarian for more than fifty years, the library has been open for the use of members on week-days from 3 p. m., to 6:30 p. m., and on Saturdays from 8 p. m., to 10 p. m. The expense of this has been greater than the finances of the Society justify, and yet no one can claim that, if it is to be used at all, these hours can be cut down. The attendance is small and the members make but little use of it. It is claimed (not without justification) that longer hours would increase its

usefulness. They would also increase the expense and the Society cannot meet it. Your finances have not permitted for several years the purchase from time to time of necessary additions to the library, and particularly of books and compilations relating to the world war. If we are forced to pursue the present policy of inaction your library will soon be entirely out of date. If its usefulness is to continue it will not be sufficient to provide additional funds to take care of the current deficit, but we must add enough for the necessary accretions to the library.

TELFAIR ACADEMY.

The Telfair Academy of Arts and Sciences, of which this Society is trustee, began the year with a cash balance of \$885.42 and no debts. The cash balance to-day is \$2,944.29. Attendance in 1919 (all free) was 6,574 against 4,921 for the preceding year. We had four exhibits during the year; in April war pictures by Johansen, with an attendance of 1,252; in May an exhibit of French war posters, with an attendance of 497; in June an exhibit of war drawings, with an attendance of 374; and in December an exhibit of portraits by American women, with an attendance of 867. These figures are disappointing. When will Savannah realize that she possesses the best small Art Collection in America?

During the year the Academy has acquired La Madrilénita, by Robert Henri, at a cost of \$2,000, less the usual discount of 25 per cent to public galleries—a valued addition to our gallery.

A HISTORICAL SOCIETY.

It was my privilege to make the annual report at the celebration of the Seventy-fifth anniversary of the Society in 1914, and I took occasion to give a brief retrospect and resume of its history, which was published and distributed with the interesting account of that celebration. Now that you have again honored me with the presidency it is my duty to call attention to this history without repeating it. In the first ten years the

Society published three volumes of "Collections" and no other was published for twenty-five years. During the next twenty-eight years two volumes were published, and two more in the succeeding four years. From the time of the consolidation into your Society of the Savannah Library Society in 1849 to the time of the dedication of your building and your library to the public use in 1903, a period of fifty-four years, the Georgia Historical Society was little more than a circulating library—strictly a local institution. During this period it published only six volumes of collections, and twenty-one pamphlets which bore its name, but many of which were actually published by the authors. Its claim during these fifty-four years to be an active historical society stood on a slender foundation, and its activities as a circulating library made it strictly a local institution. Never until the year 1917 did it have a non-resident of Chatham County as an officer or a curator. The number of its occasional non-resident members was so small as to be negligible. The fact that it had failed to make of itself a state historical society as contemplated by its charter, and had become strictly a local institution whose chief function was to maintain a circulating library, seems not to have been appreciated until within the past few years, when efforts were made to get non-resident members. Diligent work has been done in this line, but that the Society is still mainly local is shown by the fact that the active membership of today consists of 257 residents and 193 non-residents of Chatham County. Chatham County has less than four per cent. of the population of the State. Neither the curators nor the Society has ever met outside of Savannah. In the state at large the Society is little known.

TWO HISTORICAL SOCIETIES.

During the past quarter century there has been great improvement in the educational facilities of Georgia, and particularly in the faculties of her colleges for men and women. We have now in these faculties a goodly number of trained technical historians with Doctors' degree, who are qualified to

take active and practical interest in the history of the state and to help this Society in the declared purpose of its charter, "of collecting, preserving and diffusing information relating to the history of the state of Georgia in particular, and American history generally."

Not unnaturally regarding the Georgia Historical Society as a local institution, which had during far the larger part of its life subordinated its proper functions to the maintenance of a local circulating library, a group of these qualified historians, and other Georgians outside of Chatham County who were willing to contribute to a laudable purpose, formed the "GEORGIA HISTORICAL ASSOCIATION," which is now in its fourth year and has a reasonable prospect of being established on a firm basis. Its annual dues are low—lower than ours on the new basis. It has moved slowly, however, and its expenses are light, with the result that its finances are in good condition. It has determined to publish a quarterly magazine under the title of "Georgia Historical Review." Your Society has entered a respectful protest against the similarity in name of the new Association and of the new publication, but it is hoped that this protest will be unimportant if you approve the recommendation of your Curators.

Wisely realizing the difficulties of maintaining a creditable quarterly historical magazine when supported only by the dues of members, the officers of the Georgia Historical Association have secured from public-spirited Georgians subscriptions to an ample guarantee fund deemed sufficient to take care of the cost of publication for two or three years; an example which, if we continue in our present isolated state, it will be necessary for us to follow. Pending the negotiations which I am about to lay before you, Georgia Historical Association has courteously suspended inauguration of its quarterly.

If we have not completed the demonstration of them, we are now clearly demonstrating two facts: (1) that the Georgia Historical Society, as a local institution, cannot be properly maintained and cannot creditably perform the functions of a state historical society, and will not faithfully or successfully

perform the functions for which it was chartered, until in fact and in spirit it shall become a state institution; and (2) that a state which has not yet been able to maintain one active, efficient, useful and influential historical society cannot now maintain two. Georgia is the largest of the Southeastern States, and perhaps the most prosperous. Georgians are no less public-spirited than are citizens of her sister states. Georgia can sustain a creditable historical society, but it will require the cordially united effort of all Georgians who are sufficiently interested in the history of their state to give to its collection, preservation and dissemination their money or their time, or both.

Firmly convinced that this disastrous division of interests and activities was founded on no cause which could not be removed, your Curators with the cordial co-operation of officers of Georgia Historical Association arranged a full conference between officers of the two organizations, as to which I am pleased to report that I have never attended one in which was manifested less selfish pride of opinion or more desire to promote the best interests of the whole state.

The Association has appointed a committee of which Dr. R. P. Brooks, formerly De Renne Professor of Georgia History at the University of Georgia, a trained historian and now residing in Macon, is Chairman, to meet a similar committee to be appointed by your Society for the purpose of approving a plan of union of these organizations for the common welfare.

The discussion at the conference was distinctly informal and no plans were formulated. Many suggestions of principle were made and no differences of opinion developed. It was clearly recognized that a necessary basis was the transfer by Georgia Historical Association of its roll of members to membership in the Georgia Historical Society under its ancient charter now eighty-one years old. I am instructed by the Board of Curators to present this question for your consideration with their unanimous recommendation for prompt appointment of a committee of moderate size, authorized and instructed to meet the Association's committee and report back

to the Society at the earliest practical date for its approval a plan of union, with such changes in Constitution and By-laws as it may involve. I lay this recommendation before you and trust that you will act upon it at this meeting.

Through the generosity of Mrs. Margaret Telfair Hodgson there is held in trust for the exclusive use and benefit of your Society, Hodgson Hall, a handsome library building in Savannah and the ground on which it stands. This trust property is not subject to your disposal and can be used for no other purposes than those of a historical society. You own in fee the vacant half lot immediately south of Hodgson Hall. You have a permanent fund started with small beginnings in 1912 and now amounting to \$2,918.69. The annual accretions to this permanent fund are approximately \$200.00. These include your interest in the R. J. Nunn Trust Fund which may be relied on to add to the permanent fund approximately \$70.00 per annum, and will probably show a very slight increase in each year on account of the accumulations of the trust fund. You own about 40,000 volumes and many thousands of pamphlets a valuable library not up to date. Your liabilities are \$1,000 borrowed to meet current deficit of the closing year, and your budget shows a permanent deficit. You have 450 members obligated to pay dues aggregating \$2,250.00 per annum. Besides these material possessions you have a history which, while not broad in achievement, is honorable and unstained, with no black marks, and has a historical background of eighty-one years.

Against this resume of what you have to offer to new members, let us not forget what we lack. For seventy-five years we remained content as a strictly local organization and failed to foster or to use the interest of other Georgians in Georgia history, and during nearly all of those years we subordinated the functions of a historical society to those of a local circulating library. It would be difficult to defend your Society against the charge that it has not made full use of the franchise with which the state entrusted it in 1839. When we consider the facts we are surprised, not that Georgians in other parts of

the state have now rebelled and determined to work independently of us, but that they have waited so long to do so.

A moment's thought will clearly show that the union cannot take place without certain changes. While nearly, if not quite all, of the incorporators named in the original charter of 1839 were residents of Chatham County, the charter is silent as to the domicile of the corporation. It may be fairly concluded, however, that the custom of eighty-one years and the location in Savannah of Hodgson Hall, so necessary to the housing of its valuable library, have fixed it in Chatham County but legal domicile does not control the place of meeting. The Society has never met anywhere except in Savannah—a mistaken policy which should be corrected even if there be no union of the two organizations. From the standpoint of the new Association the inducement to the amalgamation is the building of a state-wide organization which shall in no sense be local. The plan therefore necessarily involves meetings of the Society from time to time in various cities of the state of which Savannah would of course be one. As is the case with most state historical societies, this would probably result in but one meeting of the Society as such in each year. The Board of Curators, however, would meet more frequently. The membership of this Board must be state-wide. The officers of the society, other than the Librarian, would be selected without reference to residence. The quarterly magazine should be in charge of a board of editors composed of trained historians whom Georgia can now offer, with one of them as Editor-in-Chief. These suggestions are but the expression of my personal opinion, are not official, and are not a part of the recommendation of the Board of Curators. I mention them to assist in your understanding of what is involved in the proposition.

If we shall accomplish this union we shall have in Georgia what the state has long needed; one historical society of state-wide personnel, influence and activity, and that society would be the ancient Society which is yours. Its maintenance as an active, useful organization will not be an easy task, for Geor-

gians are yet to be educated in appreciation of the importance of such work, and persuaded of their duty to take part in it. The duty of our Savannah members will by no means terminate with this union. It is my earnest wish that none of you will drop membership, but that on the contrary more of you will participate in the expanded organization, not only that Savannah may continue to exert a large influence in it, but that she may not fail in her duty to the State. We have, I submit, a special duty greater than that of our fellow citizens. Nearly a century has passed since the state committed to us this charter. It committed it to us as Georgians. I have no condemnation for the course which you have pursued because of the reasons which brought it about and which I have touched upon; but the fact remains that we have seen fit to keep to ourselves this broad state-wide franchise, and, whether with or without justification and excuse, we have failed to perform one duty which the state undoubtedly expected of us—the enlistment into the activities of the Society of all Georgians without regard to local habitation. I hope we are now about to perform this duty, but we should indeed deserve censure if, when we shall have done so, we, who have for so long almost exclusively enjoyed these benefits, should now shirk the duties yet to come, because we are to share the benefits with so many others.

Respectfully submitted,

A. R. LAWTON,
President.

A LIBRARY OF MANY RARE BOOKS, AND A RICH COLLECTION OF VALUABLE HISTORICAL OBJECTS

BY WILLIAM HARDEN, LIBRARIAN.

It is not to be wondered at that in the course of nearly a century since its founding the Georgia Historical Society has acquired, among the books composing its Library of more than 40,000 volumes, not a few works of rarity and, in consequence thereof, of some value.

The collecting of a Library did not, for nearly a decade after its founding, receive the attention of its members to such an extent as might have been reasonably expected, but with the absorption of the old Savannah Library Society, in the year 1847, whereby its shelves were enriched with the well-selected stock of the latter, the growth of that department of the Society was more steadily developed, and, at times since then, special efforts have been successfully put forth to strengthen certain sections of the collection. Thus, about two score years ago, attention was called to the need of filling up gaps in the material on hand for the study of English History, and many books were added thereto, at considerable expense.

GEORGIA NEWSPAPERS.

Perhaps the most valuable of the Library's possessions is the collection of newspapers issued in the State of Georgia, but principally in Savannah. The most important of these is the almost complete file of the *Georgia Gazette* which was started in Savannah by James Johnston, in April, 1763, the first Georgia newspaper. Our files of papers following the suspension of the *Gazette* is full to the date of establishing of the *Georgian*, in 1818, of which we have the full office file from its beginning to the date of its failure in 1853. Other newspapers are too numerous to mention here.

STEPHENS'S "JOURNAL OF THE PROCEEDINGS IN GEORGIA;" AND "THE CASTLE-BUILDERS: A POLITICAL NOVEL"

One of the rarest books relating to Georgia is "A Journal of the Proceedings in Georgia, from Oct. 20, 1737," by William Stephens, Secretary to the Trustees. While this work is what is generally classed as "scarce," the 1st and 2nd volumes are not as hard to find as the 3d which is seldom to be met with. The Society's copy is complete.

Of still greater value is a book in this Library called "The Castle-Builders; or The History of William Stephens, of the Isle of Wight, Esq., Lately Deceased. A Political Novel, Never Before Published in any Language," By Thomas Stephens, son of William, which the "Dictionary of National Biography" describes as "a curious memoir of his father." Both the writer of the article in the "Dictionary" and Allibone's "Critical Dictionary of English and American Authors" mention only a second edition, published in 1759, and it is a copy of that edition owned by the Society. It would seem, therefore, that no copy of the first has been located. Allibone says of this edition (the 2d) that it is "very rare."

There is in the collection, of course, a copy of the original edition of Hugh McCall's "History of Georgia," long out of print, and the Library is rich in works pertaining to the history of the State, as is most surely to be presumed, but a list of even a fair selection of the most interesting would require too much space here.

BOOKS OTHER THAN THOSE ON GEORGIA HISTORY.

The oldest book in the Library is a copy of Lucan's "Pharsalia," printed at Venice in the year 1492. Besides this, there is a copy of Hakluyt's "Early English Voyages," 1599-1600, a copy of the same edition having been sold a few years since at an enormous price, shows its great value. Another work of rarity is one of the original edition of the great Dictionary of the famous Dr. Samuel Johnston.

Through a division of the books accumulated while the Society, in conjunction with the City, maintained the Savannah Public Library, we acquired, at the time of the separation, many volumes, mainly those published during the period of over thirteen years when the Public Library occupied Hodgson Hall. Not a few of these are of peculiar interest as they give much information on the subject of the great world war during the first two years of its progress. It is to be regretted that since that time the financial condition of the Society has not permitted us to keep this collection up to date; and we, therefore, are not as rich in material relating to that most important epoch in the world's history as is desired.

A Library containing 42,000 volumes and 30,000 pamphlets, among them many of importance exceeding that of large collections of costly bound books, is of itself a treasure-house of inestimable use and value. These books and pamphlets embrace all kinds of matter, including works of reference, history, biography, science, art, literature, travel, fiction and religion. The maps in the Library are not the least of our valuable possessions.

PORTRAITS.

First among the portraits must be named the life-size oil painting of Mr. William Brown Hodgson, in whose memory the Society's home was erected and whose name it bears. It was painted by the late Carl L. Brandt, at a cost of \$3,500.00.

Another portrait, of interest from its connection with Georgia History, is that of Selina, Countess of Huntingdon, who did so much in enabling Whitefield to establish and care for the noble institution at Bethesda. For a long time it was thought to be the work of Sir Joshua Reynolds, but investigation has revealed the fact that he did not paint it.

The collection includes portraits of James Habersham, Colonel Joseph Habersham, Major John Habersham, Count Pulaski, General Oglethorpe, Hugh McCall (Georgia's first historian), David Brydie Mitchell (Governor of Georgia), I. K. Tefft, (founder of the Georgia Historical Society), John MacPherson Berrien (the Society's first President), Bishop

Stephen Elliott (another President of the Society), and a large engraving of a beloved President, Colonel John Screven. An oil painting of Gov. Archibald Bulloch and his family, owned by Dr. J. S. B. Bulloch, hangs in the Library. The name of the artist is not known.

ARTICLES OF INTEREST IN RELATION TO HISTORY.

The first of the objects of great interest in connection with Georgia history is the surveyor's compass, believed, for good reasons, to have been used in laying out the streets of Savannah by Oglethorpe and his helpers.

Next in importance is a plan of Savannah as it was laid out in 1733, but dated 1734, and, with hardly a doubt, an original by Peter Gordon and dedicated "To the Honourable the Trustees for Establishing the Colony of Georgia in America."

REVOLUTIONARY WAR RELICS.

There are other articles of interest relating to Georgia during the period from the landing of Oglethorpe and the War of the Revolution; but they need not be mentioned, and attention is now called to a collection of articles used in that War, and presented to the Society shortly after its founding by General Charels R. Floyd. The most interesting of the lot is a drum which is inscribed with the words "This Drum was used in the Army of the American Revolution at the Battles of Eutaw, Saratoga and Cowpens. Presented to the Georgia Historical Society by Charles R. Floyd in 1841." It was used, by the Society's permission, during the celebration of the centennial of the Battle of Fort Moultrie, at Charleston, S. C., in June, 1776, and attracted much attention.

GIFTS.

Mr. J. Florance Minis has recently presented to the Society the walking-cane, made of a piece of live-oak from the U. S. frigate "Constitution," belonging to the late Commodore Josiah Tattnall, famous as a naval officer of the United States as well as of the Confederate States, who, on an occasion well known

to students of history, used the characteristic langnaue: "Blood is thicker than water." We have also a large photograph of the Commodore, well framed, a remarkably fine likeness.

When Mr. John E. Ward, the distinguished Georgian, was U. S. Minister to China, he purchased a Japanese suit of armor, of fine texture, for presentation to the Georgia Historical Society, and it was brought here by the Commodore who was then on duty as a naval officer in Chinese and Japanese waters, and it is among the Society's interesting articles.

Within the past year the collection of relics has received an important addition from the McAdoo family, consisting of articles connected with the Floyds. The most valuable of these are the epaulets worn by General John Floyd.

The solid gold copy of the seal of the State Executive Department, made for and presented to the Honorable Charles J. Jenkins by the Georgia General Assembly, is in the Society's possession, the gift of Dr. Chas. Jenkins Montgomery, of Augusta, to whom it was bequeathed by Governor Jenkins. It was given to Governor Jenkins in accordance with a joint resolution, approved August 22, 1872, "in the name of the people of Georgia," and is a copy of "the one preserved and restored by him when expelled by usurpers from the office of Governor" as stated in the resolution.

MANUSCRIPTS.

The following is a list prepared by the Committee on Printing and Pubilshing, in the year 1915, in a report on the Society's manuscripts. Since then two items (the Hawkins Papers and Letter Books of Governors John Martin and Edward Telfair) have been printed and are not included.

Letters of General Lachlan McIntosh to Washington, Lee, Elbert, Howe and others, about the beginning of the Revolution, concerning the military affairs of the State. About sixty letters, in rather bad condition.

Notes of General James Jackson on Ramsay's History of the Revolution in South Carolina. A valuable criticism.

Letter Book of General James Jackson, 1788 to 1796. Per-

tains chiefly to military and Indian affairs. About 200 pages with about 175 words to a page. In handwriting of Gen. James Jackson.

Abstracts of Documents Relating to the State of Georgia between 1755 and 1824, and in 1893 in possession of Reginald Bolton, 110 Leadenhall St., London, and Worsley Road, Hampstead, England. A manuscript abstract of deeds, chiefly granted to parties in Georgia. A number of other documents are listed. In excellent condition and well indexed.

Letter Book of Philip Box, Postmaster at Savannah, 1804 to 1808. Letters chiefly to Postmaster General. About eighty pages.

Sales Book of George Galphin, a merchant of Silver Bluff on the Savannah River. About 100 pages of sales of ordinary articles kept in store at that time for Indians and others. Presented to the Society by Hon. George R. Black, M. C., First District of Georgia.

A Number of Miscellaneous Letters on Various Subjects.

LIBRARY BUILDING, AND OTHER PROPERTY.

The home of the Georgia Historical Society is Hodgson Hall, and it was set apart for the Society's use by the terms of a trust deed, dated June 10, 1874, from Miss Mary Telfair who was "desirous to carry into effect the wishes and intentions of Margaret Telfair Hodgson," her sister, who, "during her lifetime, commenced the structure of a building on lot number fourteen (14) Forsyth Ward, being the southwest corner of Gaston and Whitaker streets in the city of Savannah, to be called Hodgson Hall, and intended to complete the same on a plan furnished by Detlef Lienau, architect, as a memorial of her late husband, William Brown Hodgson," said property being by such deed conveyed in trust to Alexander R. Lawton, his executors and administrators, "in trust to permit the Georgia Historical Society to have the exclusive use, possession, control and management of said building and lot" on certain conditions. The lot is described as "containing one hundred and thirty-one feet on Gaston street and forty-three feet and nine inches on Whitaker and Howard streets."

On the 20th day of July, 1874, a little more than a month after the signing of the trust deed, the Georgia Historical Society purchased from Bishop Wm. H. Gross, of the Roman Catholic Church, the lot adjoining that on which Hodgson Hall stands being lot number thirteen (13) Forsyth Ward, described in the deed as "fronting forty-three feet and nine inches on Whitaker street, and extending one hundred and thirty-one feet in depth to Howard street, bounded north by lot number fourteen, east by Whitaker street, south by lot number twelve, and west by Howard street." The Society still owns this lot in fee simple. The two lots (87.5x131 feet) are enclosed as one.

GEORGIA HISTORICAL ASSOCIATION

BY R. P. BROOKS, UNIVERSITY OF GEORGIA.

This number of *The Quarterly* is devoted to an account of the reorganization of the Georgia Historical Society following the amalgamation with it of the Georgia Historical Association, and it is deemed fitting that in such an account there should be included a statement covering the origin and history of the Association. In transmitting the request that the writer prepare such a statement, Colonel Lawton, until recently President of the Society, expressed the opinion that we should put on record "the history of that Association which did so much good and which has proven a very vital element in what I believe will be the beginning of greatly increased influence of the Historical Society. It has gone out of existence and we should preserve its record."

The organization of the Georgia Historical Association was the result of several conferences arranged during the spring and summer of 1916. Those participating in the conferences were for the most part, men and women living in the northern part of the State, and in the group were several professors of history in the leading colleges of the State. On August 16, 1916, a circular letter was sent to a selected list of Georgians, inviting them to become members of a new historical association. This circular was signed by Honorable Lucian L. Knight, State Compiler of Records, Chancellor David C. Barrow of the University of Georgia, Miss Mildred Rutherford, Historical General of the U. D. C., Mrs. H. H. McCall, State Regent of the D. A. R., Mrs. H. M. Franklin, President of the Georgia U. D. C., Judge Samuel B. Adams, formerly of the Supreme Court of Georgia, Dr. J. H. T. McPherson, Professor of History in the University of Georgia, and R. P. Brooks, Professor of History University of Georgia. The reasons for this venture were thus expressed in the letter:

"The purpose of this letter is to enlist your interest in the proposed organization of a new historical society in Georgia. Under the auspices of the Georgia Historical Society, which has been in existence for many years, a great deal of valuable historical work has

been accomplished. That society has confined its activities largely to Colonial and Revolutionary history, and the documents published in its Collections have been of prime importance. We feel that there is now a need for another society, whose aim shall be to assist in popularizing the study of State history, and especially to work for the collection and preservation of materials bearing on the history of Georgia in the nineteenth century.

"This later phase of our history has been greatly neglected. There is no comprehensive treatment of the ante-bellum and war periods, a condition due in part to the fact that the documentary materials for such a study have not been collected and put at the disposal of the historian. The archives of the State are not in a satisfactory condition for use, and many individuals have priceless historical documents stuffed away in garrets and boxes, where they are useless for practical purposes and are in danger of destruction from fire or neglect.

"We desire to see ultimately established in Georgia a department of archives and history, with adequate powers under the law for the systematizing of State archives and the collection and preservation of historical materials."

The response to this appeal was wide-spread and convinced those who had taken the initiative that there was a real demand for a second historical organization. A meeting of those who had signified their desire to become members was therefore called, and, on April 10, 1917, at the State Capitol in Atlanta the Georgia Historical Association was organized with four hundred and fifty members. Honorable L. L. Knight was elected President, Professor T. H. Jack, of Emory University, Vice President, and Professor R. P. Brooks of the University of Georgia, Secretary and Treasurer. These officers with Mrs. Maud Barker Cobb, State Librarian, and Professor J. R. McCain, of Agnes Scott College, constituted the Executive Council. A Constitution and By-Laws were adopted along the usual lines. At this meeting a program of historical papers was presented. These papers, with the minutes of the meeting, the Constitution and a list of the members of the Association were printed in the Proceedings of the First Annual Session of the Association, published in April 1917.

During the first year of the Association an active campaign for members was carried on, but, as is usually the case, resignations were not slow to come in, and the new members enrolled barely sufficed to keep the membership up to the original numbers. During this year the Legislature, due partly to the efforts of the Association, created the State Department of Archives and History.

The second annual meeting of the Association was held in Atlanta, on April 6, 1918. Honorable L. L. Knight was re-elected President, Mrs. Maud Barker Cobb, Vice President, and Professor R. P. Brooks, Secretary and Treasurer. The two additional members of the Council elected were Miss Helen M. Prescott and Mr. Alfred C. Newell, both of Atlanta. The program of this meeting consisted of an address by Professor U. B. Phillips, formerly of the University of Georgia, now of the University of Michigan, on the subject "The Plantation Product of Men." Miss Nellie Adamson of Rome, read a paper on "The Secession Movement in Georgia," and a very informing paper descriptive of the DeRenne Collection of books on Georgia History by Mr. L. L. Mackall of Savannah. These papers, except that of Mr. Mackall, are printed on the Proceedings of the Association for 1918.*

The report of the Secretary-Treasurer showed a total of \$480.50 collected from dues, and disbursements of \$399.38, leaving a balance of \$81.12. The number of members was four hundred and fifty-five, many of whom, however, had never paid any dues to the Association. The Treasurer was authorized to purchase Liberty bonds with any unexpended funds in his keeping. In the subsequent drives \$500 was invested in Government bonds.

The third annual meeting of the Association was held in Atlanta, on April 12, 1919. Judge Andrew J. Cobb, of Athens, was elected President, and Mr. Alfred C. Newell, of Atlanta, first Vice President. A change in the constitution had been made creating the office of second Vice President, and Mr. Orville A. Park, of Macon, was elected to this office. Professor W. O. Payne, of the University of Georgia, was made Secretary-Treasurer. In addition to the annual address of the President, papers were read by Professor W. D. Hooper, of the University of Georgia, and Professor W. G. Perry, of the Georgia School of Technology, on the war activities of those institutions. The Association also received interesting reports

*Mr. Mackall's paper was printed in the *Georgia Historical Quarterly* for June, 1918, Vol. II, pp. 63-86.

from committees appointed to collect materials bearing on the participation of Georgia in the War. These addresses, papers, and reports were printed in the Proceedings of the Third Annual Session. The report of the Treasurer showed a cash balance of \$23.95 and \$400 worth of Liberty bonds. The membership at that time was four hundred and forty-four.

During the interval between the third annual session and the time set for the fourth annual meeting, the officers of the Georgia Historical Society approached the Association on the subject of merging the two organizations. Details of the negotiations which eventuated in this union are given elsewhere in this number of the *Quarterly*. It may briefly be said here that the suggestion of a union was favorably received by the officers of the Association. It had become apparent that there were not enough historically-minded people in Georgia to support two organizations in the way they should be supported. We were having the usual experience of state historical societies. It was difficult to find new members, and many of those who nominally retained their membership failed to pay their dues, and the attendance on the annual meetings was always small. The officers of the Association were unable with the small funds at their disposal to do anything of lasting value, except to publish a number of excellent papers in the annual Proceedings. At the time the merger was proposed the Association had almost completed plans for publishing a historical quarterly with funds raised by private subscriptions among the members.

The officers of the Association, therefore, met in a very friendly spirit the overtures of the Society. A number of conferences were held and an agreement reached by committees of the two societies. This agreement of merger, herein printed, was unanimously approved by the two committees and unanimously adopted by the two organizations. The terms of the agreement have recently been carried into effect, with the result that fundamental changes have been made in the Georgia Historical Society. It has become more thoroughly state-wide in its membership—the members of the Association automatically becoming members of the older organization; its new officers

and Board of Curators are chosen from the State at large; its ordinary membership fee is reduced from \$5 to \$3; and plans are in the making which will lead to an improvement in the *Quarterly*. In so far as these changes have come as the result of the organization of the Georgia Historical Association, the younger organization may fairly claim not to have lived in vain.

The fourth and last meeting of the Association was held on May 20th, in Atlanta. The Proceedings have not been published, but two excellent papers were presented by Professor E. M. Coulter, of the University of Georgia, and Miss Mildred Thompson, of Vassar College. Professor Coulter's subject was "The Nullification Movement in Georgia; Miss Thompson's "The Freedmen's Bureau in Georgia in 1865-66." These papers will probably be printed in a later number of the *Quarterly*. The report of the Secretary-Treasurer showed a cash balance of \$81.48 and \$500 invested in Liberty bonds.

It was at this meeting that the Association adopted the report of the two committees appointed to draw up a scheme of union. The whole question was presented by Colonel Lawton, a member of both organizations, in his usual happy manner, and after a brief discussion the agreement was adopted by unanimous vote, as above recorded. A short time after the meeting the Association issued a formal letter to all of its members advising them of the action of the Association and notifying them that their membership had been transferred to the Georgia Historical Society. The writer has heard on all hands nothing but approval of the action of the Association and it is hoped that the former members will do everything in their power to make vital and lasting the work of the Georgia Historical Society under the new regime.

REPORT OF COMMITTEE ON UNION WITH GEORGIA HISTORICAL ASSOCIATION

Savannah, Ga., May 3rd, 1920.

To The Georgia Historical Society:

The undersigned committee appointed by resolution of the Society February 17, 1920, to take up with the Georgia Historical Association the question of union, and to report a plan to the Society reports as follows:

The committee on behalf of Georgia Historical Association consisted of Dr. R. P. Brooks, Chairman, Mr. P. F. Brock, Mr. Orville A. Park, and Dr. P. S. Flippin, all of Macon. After some correspondence these gentlemen consented to meet with your committee in Hodgson Hall, Savannah, and a joint conference was there held on March 6, 1920, in the morning, with adjournment over to the afternoon. All the members of your committee were present. Of the Association committee, Dr. Brooks was detained by providential cause, and Mr. Park by imperative engagements. The committee of the Association met your committee in a spirit of mutual co-operation, with an earnest desire to accomplish that which was best for the interest of the state and both organizations. The joint conference unanimously adopted a plan of union, which is attached to and forms a part of this report, and your committee commends it to your approval and recommends that the Georgia Historical Society shall take such action as may facilitate its early accomplishment.

The plan is self explanatory. The reasons why such a union is desirable were set forth in the annual report of the President. Your committee deems it unnecessary to make detail comment upon the plan submitted.

TELFAIR ACADEMY.

The disposition of the Telfair Academy trust was referred to this committee at the annual meeting in connection with the plan of union, and the plan provides that the Society should resign the trust and request the Court in selecting the new trustee to have regard so far as practicable to the wishes of the founder.

When Miss Mary Telfair selected this Society as trustee of the Telfair Academy of Arts and Sciences about forty-five years ago the Society was in that stage of its existence in which it was exercising no functions except those of a local circulating library for the benefit of its members. Apparently Miss Telfair regarded it as a purely local institution and it probably seemed simpler to her to select this existing local organization composed of thoroughly trustworthy persons than to make special selection of individuals or of a new corporation, with the necessity of providing for future successions. She created a local institution, and she intended to appoint a local institution as its governing body. Even today your Society has to a considerable extent changed its character as a local institution. The non-resident membership has reached important numbers, and four out of fifteen curators reside in other parts of the state. If this plan of union be consummated it will entirely cease to be a local institution and will be a strictly state institution. If it should continue to execute the trust entrusted to it by Miss Telfair it would clearly be acting contrary to her wishes, and would take from Savannah the control of Savannah's art gallery.

Your committee is unanimously of the opinion that as a part of the proposed union the Society should present to the Superior Court of Chatham County its resignation of the trust and request that it be relieved. If and when the court shall accept this resignation, the appointment of a successor will rest exclusively with the court, but your committee ventures the opinion that the court will not receive with disfavor any suggestion which may be made to the court by this honorable

society, which has faithfully and efficiently administered the trust since the termination of the Telfair will litigation and the distribution of the estate in 1883.

Miss Telfair, by the selection of your Society as trustee, clearly expressed her wish that the trust should be administered by residents of Savannah who had the qualifications possessed by members of your Society. Her wishes would be more nearly carried out if the trust should be committed to a "charitable" corporation to be organized by residents of Chatham County interested in the Telfair Academy, who are at the time of organization members of the Georgia Historical Society; who should be charter members of the new corporation, and who, with such other persons as they may associate with them and their successors from time to time, should constitute a corporation to be known as "Telfair Academy of Arts and Sciences," to be vested with the title and management of the Academy. Your committee recommends that the Society approve this suggestion and let it at the proper time be presented to the Judge of the Superior Court.

CURATORS AND OFFICERS

Your committee is advised that when your Board of Curators first met after the annual meeting for the election of officers for the ensuing year, all the then incumbents were re-elected with the understanding that in view of the proposed union and the state-wide character of the consolidated society, the resignations of these officers would be at the disposal of the consolidated society immediately after the union. Your committee is also advised that the majority of the Curators resident in Savannah have expressed their intention to present their resignations as Curators as soon as the union shall be effected. The carrying out of these intentions will enable the personnel of the Curators and officers of the Society to reflect its state-wide character.

OTIS ASHMORE,
CHARLES ELLIS,
BEVERLY D. EVANS,
LAWTON B. EVANS,

A. R. LAWTON,
ANTON P. WRIGHT,
By A. R. LAWTON,
Chairman.

GEORGIA HISTORICAL SOCIETY.
GEORGIA HISTORICAL ASSOCIATION

Savannah, Ga., March 6, 1920.

Plan of merger of the two organizations adopted in a joint conference of their respective committees held this day in Hodgson Hall, Savannah.

Georgia Historical Society is herein referred to as the "Society," and Georgia Historical Association as the "Association."

NAME, CHARTER AND DOMICILE.

The Association to be merged into the Society, which will continue under its present name and charter with its domicile at Savannah. This merger to be accomplished so soon as practicable after the annual meeting of the Association, and a special meeting of the Society to be called. Both organizations shall meanwhile continue their current and usual activities, including the collection of their dues as now prescribed.

MEETINGS.

The Society should meet once a year for the election of officers, transaction of business, and appropriate exercises; and at other times on special occasions as may be hereafter determined. Meetings should be held by rotation among various places in the state as may from time to time be determined by the Board of Curators.

BRANCHES.

The Consolidated Society should establish branch societies in all the counties of the state in which sufficient historical interest can be developed, and should encourage and assist them by all practicable means.

MEMBERSHIP.

All members of the Society to continue as such for the year 1920 on payment of dues now prescribed (\$5). The Association will use its best endeavors to transfer all its members to membership in the Consolidated Society on payment for 1920 of the dues which may be prescribed for the Consolidated Society.

EXISTING FUNDS AND ASSETS.

The Society to transfer from its permanent fund to its current fund \$1,500 and to pay its note in bank for \$1,000 and interest, which is its only debt other than minor current bills. All moneys and other assets of the two organizations shall become the property of the Consolidated Society.

The Association will endeavor to transfer to the Consolidated Society the guaranties which it has procured to assist in paying the cost of a quarterly magazine, and all members of the Consolidated Society will endeavor to increase and renew such guaranties.

BOARD OF CURATORS.

The entire management of the Consolidated Society, except as may from time to time be otherwise provided by the Society, should be reposed in a Board of Curators consisting of fifteen members; each curator to hold office for three years and until a successor shall be elected and qualified; elections to so alternate that the terms of one-third of the curators should expire each year. Membership of the Board of Curators should be, so far as practicable, evenly distributed geographically over the state, having due regard, however, to special qualifications of individuals. The Board of Curators should meet at the time and place of the annual meeting, and also at such other times and places as they may determine. All expenses incurred by curators and officers in attending meetings, and on the business of the Society, should be paid by the Society.

LIBRARY.

The library of the Society located in Hodgson Hall in Savannah, now consisting of about 40,000 volumes and about an equal number of pamphlets, shall be continued at its present location and should be kept open for the use of members, (and, under proper restrictions, of others) for reasonable hours consistent with the financial resources of the Consolidated Society. It should be in charge of a competent librarian, and arrangements should be made for the use (under reasonable restrictions) of its contents by members at places other than Savannah.

The budget of the Consolidated Society should provide a reasonable amount for continuing accretions to the library.

HISTORICAL MAGAZINE AND OTHER PUBLICATIONS.

All publications of the Society, including its "collections," its reports and its magazine, should be under the control of a Committee on Publications selected by the Board of Curators, from members having special qualifications for such duties. This committee should have immediate charge of the magazine, for which there should be a managing editor reporting to this committee. The magazine and all other publications should conform to the best historical standards of the country.

DUES.

The Consolidated Society should have the following classes of membership, for which the committees in conference recommend dues as stated:

Honorary members and corresponding members who pay no dues and have no vote; all other members to have voting power.

Life members who, on payment of \$100, are exempt from all further dues and from solicitation.

Active members \$3, Contributing members \$10, and Sustaining members \$25, per annum.

FINANCES.

At the beginning the budget should provide for an annual income from dues of not less than \$5,000 as follows:

ANNUAL BUDGET CONSOLIDATED SOCIETY.

Includes Maintenance and Operation of Hodgson Hall and the Library, Salary of Librarian, Corresponding Secretary, and Editor of magazine (one or more persons), printing of magazine, general and miscellaneous expenses.

| | | |
|---|-------------------|-------------------|
| Insurance Hodgson Hall, Library and their contents - - - - - | \$ 175.00 | |
| Fuel and lights - - - - - | 150.00 | |
| Repairs and Miscellaneous Supplies - - | 250.00 | |
| Janitor Service - - - - - | 500.00 | |
| Miscellaneous - - - - - | 50.00 | \$1,125.00 |
| Salaries - - - - - | <u>\$2,100.00</u> | |
| Printing Quarterly—1,500 Copies - - - | 1,500.00 | |
| Postage - - - - - | 150.00 | |
| Subscriptions - - - - - | <u>75.00</u> | \$3,825.00 |
| Margin for accretions to Library, Mis- cellaneous printing, General and In- cidental Expenses, etc. - - - - - | | <u>300.00</u> |
| | | <u>\$5,250.00</u> |

The committees estimate that the consolidated Society can procure and maintain the following membership:

| | | |
|--|---------|---------|
| 1,000 active members at \$3 - - - - - | \$3,000 | |
| 100 contributing members at \$10 - - - - | 1,000 | |
| 50 sustaining members at \$25 - - - - - | 1,250 | \$5,250 |

There should be a permanent committee on membership whose continuing duty it should be not only to bring the membership to, but to retain it at, the above figures as a minimum. This committee should be divided into separate sub-committees for the different classes of membership.

Pending increase of membership to the basis indicated, the combined funds of the two organizations should be sufficient for current requirements.

HAND BOOK OF THE SOCIETY.

There should be compiled for the use of the Committee on membership and other uses, a pamphlet of moderate size giving in succinct form appropriate information about the Society, its relics, manuscripts, library and other property, its aims and purposes, and a condensed description of its valuable books (calling special attention to rare volumes). This compilation should from time to time be renewed and brought up to date.

TELFAIR ACADEMY.

The Society is trustee under the will of Mary Telfair of the Telfair Academy of Arts and Sciences, an art gallery located in Savannah. From its inception more than thirty-five years ago it has been managed and controlled by the Society and its Board of Curators acting purely in the capacity of Trustee. It has its own separate fund, none of which has ever been used by the Society. It is a strictly local institution and should not be controlled by other than a local organization. The Society should resign the trust, requesting the court in selecting a new trustee to have regard so far as practicable to the wishes of the founder.

Meanwhile the Academy should, so far as lawful, be under the sole control of a Managing Committee composed of residents of Savannah.

COMPLETION OF MERGER.

The merger should be completed as soon as practicable after the approval of a plan by the two organizations. Each organization should appoint a committee with power to act, and these committees acting jointly should have power to adopt new by-laws for the Consolidated Society, which shall remain in force until the next annual meeting, or until otherwise ordered by, the Consolidated Society.

COMMITTEES.

| | | |
|---------------------------------|---|---|
| Georgia Historical Society: | { | A. R. LAWTON, <i>Chairman</i> , OTIS ASHMORE, CHARLES ELLIS, BEVERLY D. EVANS, LAWTON B. EVANS, ANTON P. WRIGHT, |
| Georgia Historical Association: | { | R. P. BROOKS, <i>Chairman</i> . P. F. BROCK, ORVILLE A. PARK, P. S. FLIPPIN. |

Both Committees are unanimous, but the following "reservations" are submitted:

Dr. Brooks of the Association is of the opinion that the qualifications of members of the Committee on Publication should be stated with more particularity in order that the personnel may be confined to historical experts.

Mr. Ellis is of the opinion that the classes of membership should not for the present include Life Members, fearing that it may tend to reduce the number of sustaining memberships.

RESOLUTIONS OF GEORGIA HISTORICAL SOCIETY
QUARTERLY MEETING, MAY 3, 1920.

RESOLVED, by Georgia Historical Society:

1. The Society approves and adopts the proposed plan of union of Georgia Historical Society and Georgia Historical Association this day reported and recommended to it by its committee, consisting of A. R. Lawton, Chairman, Otis Ashmore, Charles Ellis, Beverly D. Evans, Lawton B. Evans, Anton P. Wright, and appearing on the minutes as part of the report of the Committee.

2. The above named committee on union is hereby authorized and instructed to take and perfect all steps to do and perform such acts and things as to them shall seem meet and proper for finally effecting the union of the two organizations.

3. The Treasurer is authorized and directed to transfer from the permanent fund to the current funds the sum of Fifteen Hundred (\$1,500.00) Dollars in cash or securities or both, and to pay the current indebtedness of the Society.

When this meeting shall adjourn it shall be subject to the call of the President or any Vice-President, and the adjourned meeting shall be held at such time and place as may be indicated in the call.

RESOLUTIONS OF GEORGIA HISTORICAL
ASSOCIATION

On May 22, 1920, the Georgia Historical Association at a meeting held in Atlanta, unanimously approved the same plan by the adoption of the following resolution:

"That the recommendations made by the joint committee of the Georgia Historical Association and the Georgia Historical Society, as embodied in the 'Plan of Merger' submitted by

said Committees, be accepted as the will of this Association; that the Georgia Historical Association hereby declares itself amalgamated with the Georgia Historical Society; that the 'Plan of Merger' be spread upon the minutes of the Association that the President of the Association appoint a Committee with plenary powers to carry into effect the union of the two organizations; and that the said Committee be authorized to deliver to the Treasurer of the Georgia Historical Society all the assets of the Association."

THE GEORGIA HISTORICAL ASSOCIATION.

To the Members of the Association:

You have no doubt seen in the press an account of the amalgamation of the Association with the Georgia Historical Society. This union of the two organizations was effected by unanimous votes of the Society at its meeting on May 3rd, and of the Association at its annual meeting on May 22nd. In view of the importance of this step, it is fitting that a statement should be addressed to you explaining the circumstances which led to it.

The organization of the Georgia Historical Association in 1917 was due to the feeling that the Georgia Historical Society had failed in a measure to live up to its name, since practically throughout its history its officers and curators, and largely the membership, had been confined to Savannah, while the publications of the Society had usually been devoted to the Colonial and Revolutionary phases of our State history. The founders of the Association desired to organize an historical society which would be State-wide in its membership and cover the whole range of Georgia history in its activities.

The response to the appeal for membership and support for the new organization was widespread. We succeeded in enrolling nearly 500 members, every part of Georgia being represented. We have held four annual meetings, at which

historical papers and addresses of a high order were presented. These have been put into your hands through the medium of the Proceedings of the Association.

The Association has found itself financially unable to undertake any other publication. It was, however, putting aside a small annual surplus, and last year a movement was begun to establish a quarterly magazine through private contributions. Something over \$2,000 was raised for this purpose, and announcement was made that the first number of the magazine would appear on January 1st last.

While the plans were being perfected for beginning the proposed magazine, Judge Cobb received a letter from Col A. R. Lawton, his lifelong friend and the President of the Georgia Historical Society, suggesting an amalgamation of the two organizations. Judge Cobb was inclined to look favorably on the suggestion and laid the matter before the members of our Executive Council, all of whom were found like-minded.

In January an informal conference was held in Atlanta between representatives of the two organizations; a full and frank discussion of the situation was had and a tentative agreement reached. The Presidents of the two organizations were requested to appoint committees to confer together and draw up a plan of merger. These committees met in Savannah on March 6th, and prepared the formal scheme of union, which subsequently, as above related, was adopted by the two organizations.

This agreement entered into between the two organizations provides that the united bodies shall retain the title and legal domicile of the Society. This was felt to be due and fitting on account of the prestige and dignity of the older organization, and the considerable amount of property which the Society owns in Savannah. The agreement emphasizes the State-wide character of the united societies, providing that the controlling body (the Board of Curators) is hereafter to be chosen from the State as a whole, instead of being confined principally to the city of Savannah; and by the requirement that in future the annual meeting shall rotate among the larger

centers of the State, in which it is proposed to organize branch societies. The publications, including the Quarterly, are to be put under the control of persons having special qualifications for this work. The annual dues have been reduced from \$5 to \$3, for the ordinary membership.

Needless to say, our conferences with representatives of the Society were altogether agreeable; no difficulty whatever was met with in securing the readjustments which we felt must necessarily be made before the Georgia Historical Society could claim to be a genuinely popular State-wide institution. All lovers of Georgia History are to be congratulated on the happy outcome of the schism which occurred several years ago, and it gives us great pleasure to inform you that you are now a regular member of the Georgia Historical Society. We trust that you will not only retain your own membership, but will assist the Society in finding new members. The combined membership of the amalgamated societies is about 900; the budget for the current year will necessitate our having no fewer than 1,000 regular members.

Within a short time you will receive from Mr. C. F. Groves, Secretary of the Georgia Historical Society, Savannah, Ga., a copy of the Quarterly with an account of the merger and full information with reference to the Georgia Historical Society. You will also receive a statement giving the changes in the personnel of the curators and officers of that Society.

Respectfully yours,

ANDREW J. COBB,
President Georgia Historical Association.

W. O. PAYNE,
Secretary Georgia Historical Association.

Athens, Ga.,
June 23, 1920.

TELFAIR ACADEMY OF ARTS AND SCIENCES

EXTRACT FROM WILL OF MARY TELFAIR*

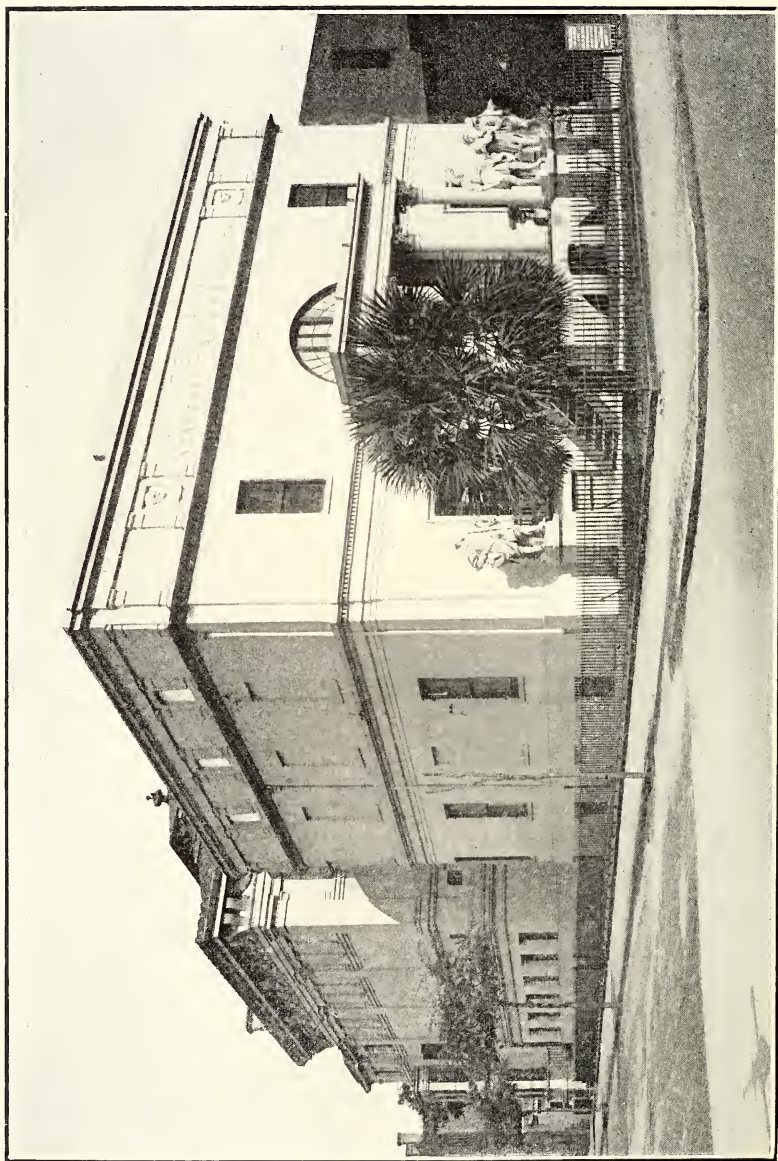
"Fourteenth. I hereby give, devise and bequeath to the Georgia Historical Society and its successors, all that lot or parcel of land, with the buildings and improvements thereon, fronting on St. James Square, in the City of Savannah, and running back to Jefferson street, known in the plan of said City as lot letter 'N,' Heathcote Ward, the same having been for many years past the residence of my family, together with all my books, papers, documents, pictures, statuary and works of art, or having relation to art or science, and all the furniture of every description in the dwelling house and on the premises except bedding and table service, such as china, crockery, glass, cutlery, silver, plate and linen), and all fixtures and attachments to the same, to have and to hold the said lot and improvements, books, pictures, statuary, furniture and fixtures, to the said Georgia Historical Society and its successors, in special trust, to keep and preserve the same as a public edifice, for a Library and Academy of Arts and Sciences, in which the books, pictures and works of art herein bequeathed, and such others as may be purchased out of the income, rents and profits of the bequest hereinafter made for that purpose, shall be permanently kept and cared for, to be open for the use of the public, on such terms and under such reasonable regulations as the said Georgia Historical Society may from to time prescribe; but this devise and bequest is made upon condition that the Georgia Historical society shall cause to be placed and kept over and against the front porch, or entrance to the main building on said lot, a marble slab or tablet, on which shall be cut or engraved the following words, to-wit:

*Miss Mary Telfair died June 2, 1875.

Will of Miss Mary Telfair dated June 1, 1875.

Will of Miss Mary Telfair probated June 5, 1875.

Messrs. Wm. Neyle Habersham and William Hunter qualified as executors June 7, 1875.



TELFAR ACADEMY OF ARTS AND SCIENCES

TELFAIR

ACADEMY OF ARTS AND SCIENCES

the word 'Telfair' being in larger letters and occupying a separate line above the other words; and on the further condition that no part of the building shall ever be occupied as a private residence or rented out for money, and none but a janitor and such other persons as may be employed to manage and take care of the premises shall occupy or reside in or upon the same, and that no part of the same shall be used for public meetings or exhibitions, or for eating, drinking or smoking, and that no part of the lot or improvements shall ever be sold, alienated or encumbered, but the same shall be preserved for the purposes herein set forth. And it is my wish that whenever the walls of the building shall require renovating by paint or otherwise, the present color and design shall be adhered to as far as practicable. For the purpose of providing more effectually for the accomplishment of the objects contemplated in this item or clause of my will. I hereby give, devise and bequeath to the Georgia Historical Society and its successors, one thousand shares of the capital stock of the Augusta and Savannah Railroad, of the State of Georgia, in special trust, to apply the dividends, income, rents and profits arising from the same, to the repairs and maintenance of said buildings and premises, and the payment of all expenses attendant upon the management and care of the institution herein provided for, and then to apply the remaining income, rents and profits in adding to the Library, and such works of art and science as the proper officers of the Georgia Historical Society may select, and in the preservation and proper use of the same, so as to carry into effect in good faith the objects of this devise and bequest."

RESIGNATION OF GEORGIA HISTORICAL SOCIETY
AS TRUSTEE FOR TELFAIR ACADEMY OF
ARTS AND SCIENCES

RESOLUTIONS ADOPTED MAY 3, 1920.

WHEREAS Georgia Historical Society is of opinion that it was the intention of Mary Telfair, the generous and public-spirited founder of Telfair Academy of Arts and Sciences, that this local Savannah institution should be controlled and managed by residents of Savannah; and

WHEREAS it is further of opinion that in selecting Georgia Historical Society as Trustee of said Academy Miss Telfair regarded the Society, under the then existing limitations upon its activities due to Civil War conditons, as a local institution; and

WHEREAS the proposed plan of merger of Georgia Historical Association into Georgia Historical Society will, when completed, conspicuously emphasize Georgia Historical Society as a state-wide institution; and

WHEREAS in the opinion of Georgia Historical Society the original intention of Miss Telfair should be carried out and Telfair Academy of Arts and Sciences should be controlled and managed by residents of Savannah;

THEREFORE BE IS RESOLVED:

1. That with all practicable dispatch after the above described proposed merger shall become effective, the proper officers of Georgia Historical Society are directed to present to the court having jurisdiction the resignation of Georgia Historical Society as Trustee of Telfair Academy of Arts and Sciences under the will of Mary Telfair, and the request of the Society that it may be relieved of its trust; and are further authorized to take all steps and do and perform all acts and things which may be necessary or expedient to effect the said resignation, the acceptance thereof, the appointment of a suc-

cessor, and all transfers, assignments, conveyances and other instruments in connection therewith.

2. That the Society respectfully suggest to the court that the intentions of Miss Telfair will be more nearly approximated if the court shall appoint as successor a charitable corporation to be chartered by the Superior Court of Chatham County, Georgia, composed at the beginning of such residents of Savannah as may be interested in the Telfair Academy of Arts and Sciences and shall at that time be also members of Georgia Historical Society, and that those persons shall be the charter members and organizers of such corporation.

3. That the Society is of opinion that, if the court shall adopt this suggestion, all residents of Savannah who shall then be members of Georgia Historical Society should be afforded reasonable opportunity to become members of the new corporation with equal voice in its control and management on such terms as the new corporation, so far as its charter shall permit, may prescribe.

4. Georgia Historical Society here records its sincere regret that the taking of a step which in its opinion is essential to its primary function as a state-wide historical society, should necessitate its retirement from this trust which for thirty-seven years it has administered to the best of its ability. Its request to be relieved of the trust is due solely to a high sense of public duty.

FINAL REPORT OF COMMITTEE ON UNION WITH GEORGIA HISTORICAL ASSOCIATION, AND REPORT OF THE BOARD OF CURATORS.

August 2nd, 1920.

To Georgia Historical Society:

The Committee on Union and Consolidation and the Board of Curators, who met in joint session on July 28th and acted as hereinafter stated, submit this joint report.

At your quarterly meeting on May 3, 1920, you approved the plan of consolidation and authorized the Committee to carry

it out. On May 22, 1920, the Georgia Historical Association at its annual meeting in Atlanta unanimously approved the same plan.

On that date Georgia Historical Association really was dissolved by absolute merger into Georgia Historical Society under the latter's charter, and its members thereby automatically became members of Georgia Historical Society.

Since then there has been correspondence between the committees of the two organizations and the action herein reported completing and effecting the final steps in the merger accords with the views of the Association's committee.

CURATORS AND OFFICERS.

The following vacancies in the Officers and Board of Curators have occurred: Dr. Thomas J. Charlton, who served as a Curator from February 25, 1908, and as First Vice President of the Society from April 2, 1914, departed this life on Sunday, July 25, 1920. The Board of Curators recorded on the minutes an appropriate minute on the Society's irreparable loss. Hon. DuPont Guerry a Curator, of Macon, resigned his membership and thereby vacated his office. On July 28, 1920, the following resignations were tendered to and accepted by the Board of Curators, effective at the conclusion of the quarterly meeting to which this report is submitted: Wymberley W. DeRenne, Charles Ellis, Alexander R. Lawton, Benjamin H. Levy, and William W. Williamson as Curators and Alexander R. Lawton as President. At the same meeting the Board of Curators filled the vacancies, effective at the close of the quarterly meeting to which this report is submitted, as follows:

CURATORS: David C. Barrow, Athens, Ga.; R. P. Brooks, Athens, Ga.; Andrew J. Cobb, Athens, Ga.; P. S. Flippin, Macon, Ga.; A. C. Newell, Atlanta, Ga.; H. R. Slack, LaGrange, Ga.; W. E. Thomas, Valdosta, Ga. President, Andrew J. Cobb. Judge Cobb was President of Georgia Historical Association on May 22. The Vice Presidency vacated by the death of Dr. Charlton was not filled.

At the close of this meeting the Officers and Curators of the Society will be as follows:

| | | |
|--------------------------------|-----------|---------------------------------|
| <i>President</i> | - - - - - | ANDREW J. COBB, ATHENS, GA. |
| <i>Vice-President</i> | - - - - - | |
| <i>Vice-President</i> | - - - - - | OTIS ASHMORE, SAVANNAH, GA. |
| <i>Vice-President</i> | - - - - - | ALEXANDER C. KING, ATLANTA, GA. |
| <i>Vice-President</i> | - - - - - | LAWTON B. EVANS, AUGUSTA, GA. |
| <i>Corresponding Secretary</i> | - | OTIS ASHMORE, SAVANNAH, GA. |
| <i>Secretary and Treasurer</i> | - | CHAS. F. GROVES, SAVANNAH, GA. |
| <i>Librarian and Editor</i> | - - | WILLIAM HARDEN, SAVANNAH, GA. |

CURATORS.

| | | |
|-----------------------|-----------|---------------|
| OTIS ASHMORE | - - - - - | SAVANNAH, GA. |
| DAVID C. BARROW | - - - - - | ATHENS, GA. |
| R. P. BROOKS | - - - - - | ATHENS, GA. |
| ANDREW J. COBB | - - - - - | ATHENS, GA. |
| T. M. CUNNINGHAM, JR. | - - - - - | SAVANNAH, GA. |
| BEVERLY D. EVANS | - - - - - | SAVANNAH, GA. |
| LAWTON B. EVANS | - - - - - | AUGUSTA, GA. |
| P. S. FLIPPIN | - - - - - | MACON, GA. |
| HENRY R. GOETCHIUS | - - - - - | COLUMBUS, GA. |
| WILLIAM W. GORDON | - - - - - | SAVANNAH, GA. |
| ALEXANDER C. KING | - - - - - | ATLANTA, GA. |
| J. FLORANCE MINIS | - - - - - | SAVANNAH, GA. |
| A. C. NEWELL | - - - - - | ATLANTA, GA. |
| H. R. SLACK | - - - - - | LAGRANGE, GA. |
| W. E. THOMAS | - - - - - | VALDOSTA, GA. |

COMMITTEES.

By resolution of the Curators the existing standing committees are to remain undisturbed until otherwise ordered by the President or the Board of Curators, as the Curator's office is not a necessary qualification for service on these committees: They are as follows:

STANDING COMMITTEES.

FINANCE.

J. FLORANCE MINIS, *Chairman*
 CHARLES ELLIS
 BEVERLY D. EVANS
 T. M. CUNNINGHAM, JR.

LIBRARY.

OTIS ASHMORE, *Chairman*
 J. FLORANCE MINIS
 MRS. ANNA BELLE KAROW
 CHARLES ELLIS
 HENRY R. GOETCHIUS

PRINTING AND PUBLISHING.

,Chairman

W. W. GORDON
 ALEXANDER C. KING
 LAWTON B. EVANS
 T. M. CUNNINGHAM, JR.
 LEONARD L. MACKALL

MEMBERSHIP.

WM. W. WILLIAMSON,
Chairman

LAWTON B. EVANS
 HENRY R. GOETCHIUS
 BENJAMIN H. LEVY
 W. W. GORDON *and others.*

MANAGING COMMITTEE TELFAIR COMMITTEE.

ALEXANDER R. LAWTON, *Chairman*,
 BEVERLY D. EVANS,
 MISS ELISABETH BECKWITH,
 BENJAMIN H. LEVY,
 WILLIAM W. WILLIAMSON.

CONSTITUTION.

Among the duties with which your Committee was charged was the submission of a draft of a new constitution in place of the existing constitution and by-laws, embodying the changes which the pending reorganization makes advisable. In the opinion of your Committee a constitution alone embodying all necessary provisions from the by-laws is sufficient, and there is submitted herewith, with the recommendation that it be adopted, a draft of the proposed constitution. The notice required by the existing constitution was given at the last quarterly meeting and it may be adopted at this meeting. It has received the approval of the Board of Curators which recommends that it be adopted.

TELFAIR ACADEMY.

In accordance with the resolutions adopted at the last quarterly meeting the resignation of the Society as Trustee of Telfair Academy of Arts and Sciences has been presented to the Superior Court of Chatham County, and after a conference with Hon. Peter W. Meldrim, Judge Presiding, a circular (which is self-explanatory and a copy of which is attached) was sent to all members of the Society residing in Chatham County. One hundred and twenty-seven members affirmatively expressed a desire to be included among the petitioners for charter of the new corporation, and the petition for charter (as per copy hereto attached) was filed in the Superior Court and is now being published in accordance with the statute. It will not be in order to accept the resignation of your Society as Trustee until the new corporation shall be chartered and organized, and thus prepared to assume active charge of the trust if and when appointed by the Court.

HANDBOOK.

On the recommendation of your Committee the Board of Curators has ordered that the next number of Georgia Historical Quarterly shall consist of a "Hand-book" giving in succinct form a history of Georgia Historical Society and Georgia Historical Association, with the various steps which have been taken in carrying out the union of the two, including all the information which has usually appeared in the "Annals" of the Society from time to time printed, but brought up to date; in order that all members, including former members of Georgia Historical Association who are now members of your Society, may have full information as to its purposes, its accomplishment, its personnel, its possessions and its equipment for useful work. The hand-book will speak for itself and it is unnecessary in this report to elaborate its contents.

CONCLUSION.

If and when you shall adopt the recommendations herein contained the union of the Society and the Association and the reorganization of the Society will be complete, except for the final acceptance of the resignation of the Society as Trustee of the Telfair Academy. This is a court proceeding and is in the hands of counsel under supervision of the Board, and further service by the Committee is not required. Your Committee recommends that it be discharged.

With this report the writer retires as a curator after continuous service for over eighteen years, and as President after a service (not continuous) covering over eight years. He hopes that it is not inappropriate to express his thanks to the Society for the honor which it has conferred upon him and for the uniform and unvarying assistance which it has given in the performance of the duties assigned to him. It has been a privilege and a pleasure to serve you.

Respectfully submitted for the Committee on Union and Consolidation, and th Board of Curators.

ALEXANDER R. LAWTON,

President of the Society and Chairman of the Committee.

GEORGIA HISTORICAL SOCIETY

Founded 1839.

TELFAIR ACADEMY OF ARTS AND SCIENCES.

(Georgia Historical Society, Trustee)

Savannah, Ga., June 29, 1920.

To Resident Members of the Society:

As instructed by unanimous vote at the meeting of May 3rd, the Society has filed in Superior Court of Chatham County its resignation as Trustee of TELFAIR ACADEMY OF

ARTS AND SCIENCES, and its request that a successor be appointed. Judge Meldrim has indicated his intention to observe the recommendations of the Society (1) that the successor trustee should be a charitable corporation chartered by the Superior Court under the name of "Telfair Academy of Arts and Sciences," and (2) that every member of Georgia Historical Society who is now a resident of Chatham County shall have an opportunity to join in the creation of the new corporation as a petitioner and a charter member. The appointment of the new Trustee and the form and substance of the charter of the new corporation rest exclusively in the discretion of the Judge, from which it follows that the petition and the order will be such as may be prescribed by him. The petition will not be finally drafted and filed until the personnel of the petitioners is definitely settled.

Judge Meldrim has directed the undersigned to ascertain by personal inquiry of each resident member of the Society whether or not he or she desires to participate as a petitioner and a charter member in the new corporation. Please reply promptly on the enclosed postal card not later than July 8th. No names will be included other than those who shall have affirmatively indicated a desire to participate. It is hoped that all resident members will favorably respond and will be active members of the new corporation, which, when formed and organized, will have entire charge of this institution so creditable to the city. The Academy will continue to need the sympathetic support and encouragement of all public-spirited citizens.

Respectfully,

ALEXANDER R. LAWTON,
President, Georgia Historical Society,

P. O. Box 727, Savannah, Ga.

In accordance with responses to this circular, one hundred and twenty-seven members of Georgia Historical Society, residents of Chatham County filed on July 15, 1920 the following:

PETITION FOR CHARTER
TELFAIR ACADEMY OF ARTS AND SCIENCES
PETITION FOR INCORPORATION

To the Superior Court of Chatham County, Georgia:

The petition of Samuel B. Adams, Leopold Adler, Neal L. Anderson, Page W. Anderson, Leander G. Armstrong, Otis Ashmore, Hal H. Bacon, Craig Barrow, Elfrida Barrow, Charles G. Beck, Elisabeth Beckwith, F. G. Bell, Charles G. Bell, F. D. Bloodworth, Henry Blun, J. Sullivan Bond, Elizabeth M. Bullard, Henry S. Colding, Nora L. Cunningham, T. M. Cunningham, Jr., Lilla W. Cunningham, Fred A. Davis, Jane E. DeLorme, Remer L. Denmark, Augusta F. DeRenne, Wymberley W. DeRenne, Charles G. Edwards, Charles Ellis, Marie Ellis, Carl Espy, Beverly D. Evans, Augusta Foster, J. A. Foster, Davis Freeman, Thomas Gamble, C. E. Gay, Jr., Charles M. Gibbs, Maude Glaiber, G. Arthur Gordon, Ellen Gordon, W. W. Gordon, William L. Grayson, Charles F. Groves, N. A. Hardee,, William Harden, J. Lawton Hiers, Robert M. Hitch, Walter F. Hogan, J. J. Horrigan, Eva B. Howze, Catherine B. Huger, Joseph Hull, R. M. Hull, H. V. Jenkins, Jabez Jones, Thomas A. Jones, H. Wiley Johnson, Jane Judge, William Kehoe, C. H. Konemann, Ella B. Lawton, A. R. Lawton, Elizabeth S. Lawton, A. R. Lawton, Jr., Beckwith Lawton, Lawrence Lee, Henry Levy, B. H. Levy, Lee Roy Lovenstein, Jonathan Lucas, Wallace W. Mallard, William Marcus, Frances G. Meldrim, Carl Mendel, George J. Mills, Euphemia Mills, J. F. Minis, Louisa P. Minis, David B. Morgan, Lee Roy Myers, Henry McAlpin, W. F. McCauley, Ray G. McCauley, B. A. McCranie, P. J. McNamara, Florence McNeill, Henry Nanninga, M. B. Nichols, M. A. O'Byrne, Chas.

H. Olmstead, George W. Owens, A. B. Palmer, W. J. Pierpont, J. Conrad Puder, W. N. Pratt, T. P. Ravenel, Frederick F. Reese, A. C. Read, Sam Ross, E. W. Rosenthal, Gordon Saussy, Hattie Saussy, Elizabeth M. Screven, Kate F. Semmes, H. P. Smart, Arthur W. Solomon, Ella B. Spalding, William B. Stephens, H. G. Strachan, A. D. Strobhar, W. G. Strobhar, May S. Teasdale, John L. Travis, R. Van Keuren, Joanna E. Walsh, T. P. Waring, H. N. Walker, Henrik Wallin, George R. White, Willaim W. Williamson, Caroline Wilson, W. L. Wilson, W. A. Winburn, Mary S. Irwin Wood, A. L. Willcox and Anton P. Wright, respectfully shows : :

1. Petitioners desire that they and such persons as may from time to time be associated with them, and their successors, may be incorporated as a charitable corporation under the name and style of "Telfair Academy of Arts and Sciences."

2. The object of their association and the particular business they propose to carry on are purely educational, charitable and social, being primarily to hold, control, preserve, administer and manage as trustee a library and academy of arts and sciences, known and to be known as Telfair Academy of Arts and Sciences, and the other property now held by Georgia Historical Society as trustee of Telfair Academy of Arts and Sciences, all as set forth in the fourteenth item of the will of Mary Telfair of record in the court of ordinary of Chatham County, Georgia, a copy of which is herewith exhibited to the court; and, secondarily, to do and perform from time to time all such acts and things, and to hold, enjoy and manage such property and hold and execute such trusts as may tend to promote education and improvement in the arts and sciences.

3. Petitioners will not be organized for individual pecuniary gain, will employ no capital, and will have no capital stock.

4. The place of doing business will be Savannah, Chatham County, Georgia.

5. The time for which petitioners desire to be incorporated is perpetual, or the full term (not less than twenty years) permitted by law, with the privilege of renewal.

Wherefore petitioners pray that they and their associates and the successors of both may be incorporated as above stated, with all the powers usual or incident to corporations, with the right from time to time to increase or diminish their numbers, to classify members, to adopt such constitution and by-laws as they may deem best, to appoint or elect such directors, managers and officers as may be therein provided, to have perpetual succession, to receive gifts and legacies, and from time to time to apply for amendments to the charter with the approval of a majority of those who shall at the time, under constitution or by-laws, be voting members of the corporation.

LAWTON & CUNNINGHAM,
Attorneys for Petitioners.

Petition for incorporation filed in office July 15, 1920.

(Seal)

JOSEPH J. CARR,
Deputy Clerk, S. C. C. C. Ga.

IN THE SUPERIOR COURT OF CHATHAM COUNTY,
GEORGIA, JULY TERM, 1920.

In Re: Petition for Charter Telfair Academy of Arts and Sciences:

It appearing to the Court that the petition of Samuel B. Adams and others for the grant of a charter for TELFAIR ACADEMY OF ARTS AND SCIENCES was filed in the Clerk's office on July 15, 1920; was published once a week for four weeks in the Savannah Morning News, which is the nearest public gazette to the point where the business is to be located; that the application is legitimately within the purview and intention of the code; and that all requirements of the law have been complied with;

IT IS CONSIDERED, ORDERED AND ADJUDGED:

1. That Samuel B. Adams, Leopold Adler, Neal L. Anderson, J. Randolph Anderson, Page W. Anderson, Leander G. Armstrong, Otis Ashmore, Hal H. Bacon, Craig Barrow, Elfrida Barrow, Charles G. Beck, Elisabeth Beckwith, F. G. Bell, Charles G. Bell, F. D. Bloodworth, Henry Blun, J. Sullivan Bond, Elisabeth M. Bullard, Henry S. Colding, Nora L. Cunningham, T. M. Cunningham, Jr., Lilla W. Cunningham, Fred A. Davis, Jane E. DeLorme, Remer L. Denmark, Augusta F. DeRenne, Wymberley W. DeRenne, Charles G. Edwards, Charles Ellis, Marie Ellis, Carl Espy, Beverly D. Evans, Augusta Foster, J. A. Foster, Davis Freeman, Thomas Gamble, C. E. Gay, Jr., Charles M. Gibbs, Maude Glaiber, G. Arthur Gordon, Ellen Gordon, W. W. Gordon, William L. Grayson, Charles F. Groves, N. A. Hardee, William Harden, J. Lawton Hiers, Robert M. Hitch, Walter F. Hogan, J. J. Horrigan, Eva B. Howze, Catherine B. Huger, Joseph Hull, R. M. Hull, H. V. Jenkins, Jabez Jones, Thomas A. Jones, H. Wiley Johnson, Jane Judge, William Kehoe, C. H. Konemann, Ella B. Lawton, A. R. Lawton, Elizabeth S. Lawton, A. R. Lawton, Jr., Beck-

with Lawton, Lawrence Lee, Henry Levy, B. H. Levy, Lee Roy Lovenstein, Jonathan Lucas, Wallace W. Mallard, William Marcus, Frances W. Meldrim, Carl Mendel, George J. Mills, Euphemia Mills, J. F. Minis, Louisa P. Minis, David B. Morgan, Lee Roy Myers, Henry McAlpin, W. F. McCauley, Ray G. McCauley, R. A. McCranie, P. J. McNamara, Florence McNeill, Henry Nanninga, M. B. Nichols, M. A. O'Byrne, Chas. H. Olmstead, George W. Owens, A. B. Palmer, W. J. Pierpont, J. Conrad Puder, W. N. Pratt, T. P. Ravenel, Frederick F. Reese, A. C. Read, Sam Ross, E. W. Rosenthal, Gordon Saussy, Hattie Saussy, Elizabeth M. Screven, Kate F. Semmes, H. P. Smart, Arthur W. Solomon, Ella B. Spalding, William B. Stephens, H. G. Strachan, A. D. Strohbar, W. G. Strobhar, May S. Teasdale, John L. Travis, R. Van Keuren, Joanna E. Walsh, T. P. Waring, H. N. Walker, Henrik Wallin, George R. White, William W. Williamson, Caroline Wilson, W. L. Wilson, W. A. Winburn, Mary S. Irwin Wood, A. L. Willcox and Anton P. Wright, and such persons as may from time to time be associated with them, and their successors, be, and they are hereby, incorporated as a charitable corporation under the name and style of "TELFAIR ACADEMY OF ARTS AND SCIENCES."

2. That the objects of the association and the particular business to be carried on shall be purely educational, charitable and social, including power primarily (if and when the trust shall be committed to its charge) to hold, control, preserve, administer and manage as Trustee the Library and Academy of Arts and Sciences known and to be known as TELFAIR ACADEMY OF ARTS AND SCIENCES, all as set forth in the fourteenth item of the will of Mary Telfair of record in the Court of Ordinary of Chatham County, Georgia; and secondarily, to do and perform from time to time all such acts and things and to hold, enjoy and manage such property and hold and execute such trusts as may tend to promote education and improvement in the arts and sciences.

3. That the place of doing business shall be Savannah, Chatham County, Georgia.

4. That the time for which petitioners shall be incorporated shall be in perpetuity, so far as the same is or may be permitted by law, and if such perpetual charter be not permitted, then, for twenty (20) years from this date, with the privilege of renewal.

5. That said corporation shall have all powers usual or incident to corporations, with the right from time to time to increase or diminish the number of members, to make classification of members with varying rights, privileges and duties, to adopt such constitution and/or by-laws as it may deem best, to appoint or select such directors, managers and officers as may be provided, to have perpetual succession, to receive gifts and legacies, and from time to time apply for and accept amendments to its charter with the approval (in meeting or by written assent) of a majority of the members who shall at the time, under charter, constitution and/or bylaws, be vested with unrestricted voting power.

6. That the first meeting of the incorporators for organization shall be held at such time and place as may be fixed in a call signed by not less than five of the incorporators, and published in the Savannah Morning News not less than three days prior to the said meeting. At said meeting a quorum shall be the number who shall attend and participate, and such quorum, by a majority vote, is authorized to make such provision for future meetings, including notice, quorum and all details, as to it shall deem best.

In Open Court September 14, 1920.

PETER W. MELDRIM,
Judge Superior Court, Chatham County, Georgia.

LAWTON & CUNNINGHAM,
Counsel.

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8vo, pp. xii, 307, (1).

Contents: Introduction. Oration before the Society at the celebration of their first anniversary, February 12, 1840, by W. Law; New and Accurate Account of the Provinces of South Carolina and Georgia (by J. Oglethorpe), London, 1733; A Voyage to Georgia, 1735, by F. Moore, London, 1744; An Impartial Inquiry into the State and Utility of the Province of Georgia (by B. Martyn), London, 1741; Reasons for Establishing the Colony of Georgia, with regard to the Trade of Great Britain (etc.), with Some Account of the Country, and the Designs of the Trustees (by B. Martyn), London, 1733; Sketch of the Life of Gen. James Oglethorpe, by Thomas Spalding.—*Out of Print.*

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Vol. II. Savannah, 1842.

8vo, pp. (6) 336.

Contents: Introduction. Discourse before the Society at their second anniversary, February 12, 1841, (by W. B. Stevens); A New Voyage to Georgia, by a Young Gentleman, 2d ed., London, 1737; A State of the Province of Georgia, attested upon oath in the Court of Savannah, November 10, 1740, (by William Stephens), London, 1740; A Brief Account of the Causes that have Retarded the Progress of the Colony of Georgia, by P. Tailfer, H. Anderson, D. Douglas, Charleston, 1741; An Account Showing the Progress of the Colony of Georgia from its Establishment (by B. Martyn), London, 1741. Appendix: Account of the Society; Constitution; By-laws; Act of Incorporation; Officers. Members, 1842.—*Out of Print.*

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Vol. III, part I. Savannah, 1848.

8vo, pp. 88 (Published by Wm. B. Hodgson.)

Contents: Introduction. Biographical Sketch of Benjamin Hawkins; The Creek Confederacy (by W. B. Hodgson); A Sketch of the Creek Country, in 1798 and 1799 (by B. Hawkins). Appendix; Indian Treaties, 1773-1796.

No other part of this volume was issued. The Society published no more collections until 1873, when the publication was resumed with the designation of Vol. III. disregarding this first part.—*Price* \$1.00.

COLLECTIONS OF THE GEORGIA HISTORICAL SOCIETY.

Vol. III. Savannah, 1873.

8vo, pp. vi, 428.

Contents: Preface. Letters from General Oglethorpe to the Trustees of the Colony, October, 1735, to August, 1744; Report of Governor Sir James Wright to Lord Dartmouth on the Condition of the Colony, September 20, 1773; Letters from Governor Sir James Wright to the Earl of Dartmouth and Lord George Germain, Secretaries of State for America, August 24, 1774, to February 16, 1782. Appendix: Casimir Pulaski, address before the Society by C. C. Jones, Jr., upon the celebration of its thirty-second anniversary, February 13, 1871; address before the Society by R. D. Arnold, July 24, 1871.—*Price* \$2.00.

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Vol. IV. Savannah, 1878.

8vo, pp. 263, 64. Illus. Plans.

Contents: The Dead Towns of Georgia, (by Charles C. Jones, Jr.); Itinerant Observations in America*, reprinted from the London Magazine 1745-46.—*Price* \$2.00.

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Pt. I, pp. xiv, 139 (this part only published by D. A. R.).
Contents: Proceedings of the Georgia Provincial Congress; Proceedings of the Georgia Council of Safety, 3d November, 1775, to 17th February, 1777; Account of the Siege of Savannah, from a British source.—*Price* \$1.00.

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Contents: Order Book of Samuel Elbert, Colonel and Brigadier General in the Continental Army, October, 1776, to November, 1778; Letter Book of Governor Samuel Elbert, from January, 1785, to November, 1785.—*Price* \$1.00.

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Contents: The letters of Hon. James Habersham, 1756-1776.—*Cloth* \$2.00; *Paper* \$1.50.

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Contents: Letters of Montiano—Siege of St. Augustine. (Transl. and ed. by C. DeWitt Willcox).—*Paper* \$1.00.

Pt. II, pp. 53. Maps and plans.—*Paper* \$1.00.

Contents: Oglethorpe Monument. Illustrated.

Pt. III, pp. 112.—*Paper* \$1.00.

Contents: The Spanish Official Account of the Attack on the Colony of Georgia, in America, and of its Defeat on St. Simons Island by General James Oglethorpe. (Transl. and ed. by C. DeWitt Willcox.) Portrait and Maps.

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Vol. VIII. Savannah, 1913.

Contents: Letters of Joseph Clay, merchant of Savannah, 1776-1793; and a list of ships and vessels entered at the port of Savannah, for May, 1765, 1766, and 1767. Ills.—*Cloth* \$2.50; *Paper* \$2.00.

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Contents: Letters of Benjamin Hawkins, 1796-1806. pp. 500.—*Cloth* \$4.00; *Paper* \$3.50.

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An authentic account of the origin, mystery, and explanation of R. H. Wilde's alleged plagiarism. By Anthony Barclay, and with his permission published by the Society. Savannah, 1871. Published in both bound and unbound form.—*Cloth* \$1.50; *Paper* \$1.00.

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1. Letters of General Lachlan McIntosh to Washington, Lee, Elbert, Howe and others.
2. Notes of General James Jackson on Ramsay's History of the Revolution in South Carolina.
3. Letter Book of General Jackson, 1788 to 1796.
4. Letter Books of Governors John Martin and Edward Telfair.
5. Abstracts of Documents Relating to the State of Georgia between 1755 and 1824.
6. Letter Book of Philip Box, Postmaster at Savannah, 1804 to 1808.
7. Sales Book of Georgia Galphin.
8. A number of Miscellaneous Letters on Various subjects.

OFFICERS OF
THE GEORGIA HISTORICAL SOCIETY
FROM ITS ORGANIZATION, JUNE 4, 1839, TO AUGUST 3, 1920.

PRESIDENTS.

| | FROM | TO |
|--------------------------|----------------|----------------|
| John M. Berrien, | June 4, 1839 | Feb. 12, 1841 |
| John M. Berrien, | Feb. 13, 1854 | Jan. 1, 1856 |
| James M. Wayne, | Feb. 12, 1841 | Feb. 13, 1854 |
| James M. Wayne, | Feb. 12, 1856 | Feb. 17, 1862 |
| Charles S. Henry, | Feb. 17, 1862 | Aug. 19, 1864 |
| Stephen Elliott, | Sept. 12, 1864 | Dec. 21, 1866 |
| John Stoddard, | Feb. 12, 1867 | Feb. 12, 1868 |
| Edward J. Harden, | Feb. 12, 1868 | April 19, 1873 |
| George W. J. DeRenne, | June 2, 1873 | Mar. 2, 1874 |
| Henry Roots Jackson, | Mar. 2, 1874 | May 23, 1898 |
| John Screven, | Mar. 6, 1899 | Jan. 9, 1900 |
| George Anderson Mercer, | Feb. 12, 1900 | April, 5, 1907 |
| Alexander Rudolf Lawton, | April 5, 1907 | April 2, 1914 |
| Alexander Rudolf Lawton, | Feb. 21, 1917 | Aug. 2, 1920 |
| William W. Mackall, | April 2, 1914 | Feb. 21, 1919 |
| Andrew J. Cobb, | Aug. 2, 1920 | |

SENIOR VICE PRESIDENTS.

| | | |
|-------------------------|----------------|----------------|
| James M. Wayne, | June 4, 1839 | Feb. 12, 1841 |
| Matthew H. McAllister, | Feb. 12, 1841 | Feb. 12, 1851 |
| Charles S. Henry, | Feb. 12, 1851 | Feb. 17, 1862 |
| Stephen Elliott, | Feb. 17, 1862 | Sept. 12, 1864 |
| John Stoddard, | Sept. 12, 1864 | Feb. 12, 1867 |
| Solomon Cohen, | Feb. 12, 1867 | Feb. 12, 1868 |
| William M. Charters, | Feb. 12, 1868 | Jan. 6, 1883 |
| G. Moxley Sorrel, | Feb. 12, 1883 | Feb. 12, 1889 |
| John Screven, | Feb. 12, 1889 | Mar. 6, 1899 |
| George Anderson Mercer, | Mar. 6, 1899 | Feb. 12, 1900 |
| Richard J. Nunn, | Feb. 12, 1900 | April 5, 1907 |
| George J. Baldwin, | April 5, 1907 | April 2, 1914 |
| *Thomas J. Charlton, | April 2, 1914 | July 25, 1920 |

*Vacant Aug. 2, 1920.

JUNIOR VICE PRESIDENTS.

| | FROM | TO |
|--------------------------|----------------|----------------|
| William B. Bulloch, | June 4, 1839 | Feb. 12, 1841 |
| William Law, | Feb. 12, 1841 | Feb. 12, 1853 |
| Stephen Elliott, | Feb. 12, 1853 | Feb. 17, 1862 |
| John Stoddard, | Feb. 17, 1862 | Sept. 12, 1864 |
| Solomon Cohen. | Sept. 12, 1864 | Feb. 12, 1867 |
| Edward J. Harden, | Feb. 12, 1867 | Feb. 12, 1868 |
| Alexander Robert Lawton, | Feb. 12, 1868 | Feb. 14, 1870 |
| Alexander Robert Lawton, | Feb. 12, 1883 | Feb. 12, 1888 |
| Juriah Harriss, | Feb. 14, 1870 | Nov. 7, 1876 |
| G. Moxley Sorrel, | Feb. 12, 1877 | Feb. 12, 1882 |
| John Screven, | Feb. 12, 1888 | Feb. 12, 1889 |
| Charles H. Olmstead, | Feb. 12, 1889 | Feb. 12, 1895 |
| William D. Harden, | Feb. 12, 1895 | Feb. 14, 1898 |
| George Anderson Mercer, | Feb. 14, 1898 | Mar. 6, 1899 |
| Richard J. Nunn, | Mar. 6, 1899 | Feb. 12, 1900 |
| Henry C. Cunningham, | Feb. 12, 1900 | April, 5, 1907 |
| J. Florance Minis, | April 5, 1907 | April 2, 1914 |
| Otis Ashmore, | April 2, 1914 | |
| Alexander C. King, | Feb. 12, 1917 | |
| Lawton B. Evans, | Feb. 12, 1917 | |

CORRESPONDING SECRETARIES

| | | |
|------------------------|---------------|---------------|
| Israel K. Tefft, | June 4, 1839 | Dec. 12, 1853 |
| Israel K. Tefft, | Feb. 13, 1854 | June 30, 1862 |
| Alexander A. Smets, | Dec. 12, 1853 | Feb. 13, 1854 |
| Charles C. Jones, Jr., | July 14, 1862 | Feb. 12, 1866 |
| Richard D. Arnold, | Feb. 12, 1866 | Feb. 14, 1870 |
| William Grayson Mann, | Feb. 14, 1870 | July 4, 1881 |
| William W. Paine. | Feb. 13, 1882 | Aug. 5, 1882 |
| Robert Falligant, | Feb. 12, 1883 | Feb. 15, 1892 |
| Charles N. West. | Feb. 15, 1892 | Dec. 5, 1892 |
| Otis Ashmore, | Feb. 13, 1893 | |

RECORDING SECRETARIES.

| | FROM | TO |
|------------------------|---------------|---------------|
| William Bacon Stevens, | June 4, 1839 | Feb. 12, 1842 |
| Henry K. Preston, | Feb. 12, 1842 | Feb. 12, 1844 |
| Richard D. Arnold, | Feb. 12, 1844 | Feb. 13, 1854 |
| J. P. Tustin, | Feb. 13, 1854 | Feb. 12, 1856 |
| William S. Basinger, | Feb. 12, 1855 | Feb. 12, 1856 |
| R. C. Mackall, | Feb. 12, 1856 | Nov. 10, 1856 |
| Easton Yonge, | Nov. 10, 1856 | Feb. 15, 188c |
| Samuel B. Adams, | May 3, 188c | Feb. 13, 1884 |
| W. H. Wade, | Feb. 13, 1884 | Feb. 15, 1886 |
| W. N. Holt, | Feb. 15, 1886 | Nov. 17, 1886 |
| Charles N. West, | Mar. 7, 1887 | Feb. 12, 1889 |
| Charles N. West, | July 6, 1891 | Feb. 15, 1892 |
| Bierne Gordon, | Feb. 12, 1889 | June 1, 1891 |
| T. D. Rockwell, | Feb. 15, 1892 | Feb. 13, 1893 |
| George T. Cann, | Feb. 13, 1893 | Feb. 12, 1895 |
| H. Wiley Johnson, | Feb. 12, 1895 | Mar. 6, 1899 |
| Thomas P. Ravenel, | Mar. 6, 1899 | April 6, 1914 |
| Charles F. Groves, | April 6, 1914 | |

TREASURERS.

| | | |
|-------------------------|---------------|---------------|
| George Wallace Hunter, | June 4, 1839 | Feb. 12, 1841 |
| Solomon Cohen, | Feb. 12, 1841 | Feb. 12, 1844 |
| Edward J. Harden, | Feb. 12, 1844 | Feb. 13, 1854 |
| William S. Basinger, | Feb. 13, 1854 | Feb. 12, 1855 |
| Alexander A. Smets, | Feb. 12, 1855 | May 9, 1862 |
| William S. Bogart, | July 14, 1862 | Feb. 12, 1891 |
| James L. Rankin, | Feb. 12, 1891 | Feb. 12, 1894 |
| Clarence S. Connerat, | Feb. 12, 1894 | Feb. 12, 1896 |
| Alexander H. MacDonell, | Feb. 12, 1896 | Feb. 14, 1898 |
| John M. Bryan, | Feb. 14, 1898 | Mar. 6, 1899 |
| Uldrick H. McLaws, | Mar. 6, 1899 | May 2, 1903 |
| Thomas P. Ravenel, | May 2, 1903 | April 6, 1914 |
| Charles F. Groves, | April 6, 1914 | |

LIBRARIANS.

| | FROM | TO |
|------------------------|---------------|---------------|
| Henry K. Preston, | June 4, 1839 | Feb. 12, 1842 |
| Henry K. Preston, | Feb. 12, 1844 | Feb. 12, 1847 |
| William Bacon Stevens, | Feb. 12, 1842 | Feb. 13, 1843 |
| Alexander A. Smets, | Feb. 13, 1843 | Feb. 12, 1844 |
| Robert H. Griffin, | Feb. 12, 1847 | Feb. 12, 1848 |
| Richard D. Arnold, | Feb. 12, 1848 | Feb. 12, 1849 |
| Charles E. Tefft, | Feb. 12, 1850 | Feb. 12, 1851 |
| Louis Knorr, | Mar. 12, 1851 | Feb. 12, 1853 |
| John B. Mallard, | Feb. 12, 1853 | Feb. 13, 1854 |
| William Epping, | Feb. 13, 1854 | Feb. 12, 1857 |
| James F. Cann, | Feb. 12, 1857 | Feb. 12, 1868 |
| John S. F. Lancaster, | Feb. 12, 1868 | July 5, 1869 |
| *William Harden, | Aug. 2, 1869 | |

CURATORS†

| | | |
|--------------------------|---------------|---------------|
| William Thorne Williams, | June 4, 1839 | Oct. 9, 1868 |
| Charles S. Henry, | June 4, 1839 | Feb. 12, 1851 |
| John C. Nicoll, | June 4, 1839 | Feb. 12, 1846 |
| William Law, | June 4, 1839 | Feb. 12, 1841 |
| Richard D. Arnold, | June 4, 1839 | Feb. 12, 1844 |
| Richard D. Arnold, | Mar. 2, 1874 | July 10, 1876 |
| Robert M. Charlton, | June 4, 1839 | Feb. 12, 1846 |
| Matthew H. McAllister, | June 4, 1839 | Feb. 12, 1841 |
| Stephen Elliott, | Feb. 12, 1841 | Feb. 12, 1852 |
| Alexander A. Smets, | Feb. 12, 1841 | Feb. 13, 1843 |
| Alexander A. Smets, | Feb. 12, 1844 | May 9, 1862 |
| William Bacon Stevens, | Feb. 13, 1843 | Feb. 12, 1845 |
| William B. Hodgson, | Feb. 12, 1845 | Feb. 14, 1870 |
| Joseph W. Jackson, | Feb. 12, 1846 | Dec. 28, 1854 |

*Assistant Librarian Oct. 5, 1866-August 2, 1869.

†Previous to the year 1903 the executive body of the Society was styled the Board of Managers, consisting of the President, two Vice-Presidents, Corresponding Secretary, Recording Secretary, Treasurer, Librarian, and seven Curators—fourteen in all.

On May 2, 1903, the name of the executive body was changed to the Board of Curators, and the number was reduced to twelve.

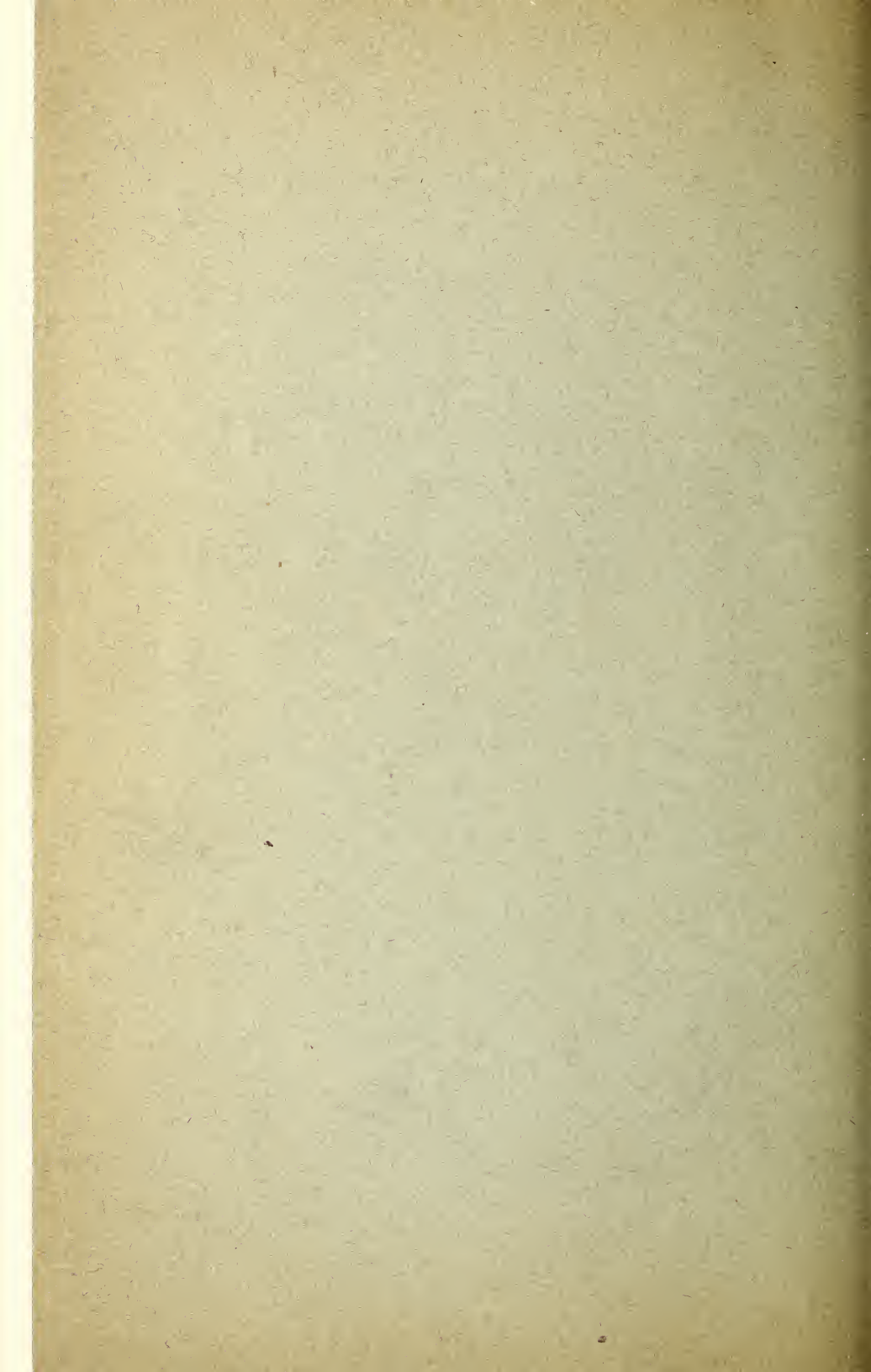
| CURATORS. | FROM | TO |
|--------------------------|----------------|----------------|
| Dexter Clapp, | Feb. 12, 1846 | Feb. 12, 1847 |
| Solomon Cohen, | Feb. 12, 1847 | Sept. 12, 1864 |
| Solomon Cohen, | Feb. 12, 1869 | Aug. 14, 1875 |
| John Stoddard, | Feb. 12, 1851 | Feb. 17, 1862 |
| Jacob C. Levy, | Feb. 12, 1852 | Feb. 12, 1855 |
| William Duncan, | Feb. 12, 1855 | Feb. 12, 1865 |
| Joseph S. Fay, | Feb. 12, 1855 | Feb. 12, 1858 |
| William M. Charters, | Feb. 12, 1858 | Feb. 12, 1868 |
| Charles C. Jones, Jr., | Feb. 17, 1862 | July 14, 1862 |
| Edward J. Harden, | July 14, 1862 | Feb. 12, 1867 |
| Thomas M. Norwood, | July 14, 1862 | Feb. 12, 1877 |
| Thomas M. Norwood, | Feb. 13, 1893 | Feb. 12, 1894 |
| Henry A. Richmond, | Sept. 12, 1864 | Feb. 12, 1868 |
| Alexander Robert Lawton, | Feb. 12, 1867 | Feb. 12, 1868 |
| Alexander Robert Lawton, | Feb. 14, 1876 | Feb. 12, 1883 |
| Henry R. Jackson, | Feb. 12, 1868 | Feb. 14, 1870 |
| Barnet Phillips, | Feb. 12, 1868 | Feb. 13, 1871 |
| Juriah Harriss, | Feb. 12, 1868 | Feb. 14, 1870 |
| William D. Harden, | Feb. 14, 1870 | Feb. 12, 1895 |
| Aug. Schwaab, | Feb. 14, 1870 | Mar. 2, 1874 |
| Aug. Schwaab, | Feb. 12, 1877 | Feb. 13, 1888 |
| Bernard Mallon, | Feb. 14, 1870 | Feb. 12, 1872 |
| John S. F. Lancaster, | Feb. 13, 1871 | Aug. 13, 1877 |
| Robert Falligant, | Feb. 12, 1872 | Feb. 12, 1883 |
| Robert Falligant, | Mar. 6, 1899 | Jan. 3, 1902 |
| Charles H. Olmstead, | Mar. 2, 1874 | Feb. 12, 1889 |
| George W. J. DeRenne, | Feb. 12, 1877 | Aug. 4, 1880 |
| Richard J. Larcombe, | Feb. 12, 1878 | Oct. 13, 1887 |
| William W. Paine, | Feb. 14, 1881 | Feb. 13, 1882 |
| William H. Baker, | Feb. 13, 1882 | Feb. 13, 1888 |
| John O. Ferrill, | Feb. 12, 1883 | April 18, 1884 |
| William N. Holt, | Feb. 12, 1883 | Feb. 15, 1886 |
| John Screven, | Feb. 12, 1885 | Feb. 12, 1889 |
| George A. Mercer, | Feb. 15, 1886 | Feb. 14, 1898 |
| George A. Mercer, | May 2, 1903 | Feb. 25, 1908 |
| W. G. Charlton, | Feb. 13, 1888 | Feb. 12, 1895 |

| CURATORS. | FROM | TO |
|--------------------------|----------------|----------------|
| Richard J. Nunn, | Feb. 13, 1888 | Mar. 6, 1899 |
| Richard J. Nunn, | May 2, 1903 | June 29, 1910 |
| J. R. F. Tattnall, | Feb. 13, 1888 | Dec. 5, 1892 |
| H. S. Haines, | Feb. 13, 1888 | Nov. 4, 1889 |
| J. H. M. Clinch, | Feb. 12, 1889 | May 2, 1903 |
| Charles N. West, | Dec. 2, 1889 | June 1, 1891 |
| Charles N. West, | Mar. 5, 1894 | Feb. 14, 1898 |
| Lester Hubbell, | July 6, 1891 | Feb. 12, 1895 |
| William Garrard, | Feb. 12, 1894 | Feb. 12, 1895 |
| Henry C. Cunningham, | Mar. 4, 1895 | Feb. 12, 1900 |
| Henry C. Cunningham, | May 2, 1903 | May 9, 1917 |
| Horace P. Smart, Sr., | Mar. 4, 1895 | May 2, 1903 |
| Augustus Oemler, | Mar. 4, 1895 | Feb. 12, 1896 |
| Wymberley J. DeRenne, | Feb. 12, 1896 | Feb. 15, 1897 |
| Wymberley J. DeRenne, | Feb. 12, 1912 | June 23, 1916 |
| Joachim R. Saussy, | Feb. 15, 1897 | Feb. 25, 1908 |
| Brantley A. Denmark, | Feb. 14, 1898 | June 13, 1901 |
| William L. Clay, | Feb. 14, 1898 | Feb. 12, 1902 |
| Charles F. Fulton, | Feb. 12, 1900 | Mar. 5, 1906 |
| George J. Baldwin, | Feb. 12, 1902 | April 13, 1917 |
| William W. Mackall, | Feb. 12, 1902 | Feb. 3, 1920 |
| Alexander Rudolf Lawton, | Feb. 12, 1902 | Aug. 2, 1920 |
| Otis Ashmore, | May 2, 1903 | |
| J. Florance Minis, | May 2, 1903 | |
| Spencer P. Shotter, | May 2, 1903 | Feb. 16, 1910 |
| Spencer P. Shotter, | Feb. 15, 1911 | Feb. 12, 1913 |
| Uldrich H. McLaws, | May 2, 1903 | Feb. 16, 1910 |
| Benjamin H. Levy, | Mar. 6, 1906 | Aug. 2, 1920 |
| Thomas J. Charlton, | Feb. 25, 1908 | July 25, 1920 |
| William W. Williamson, | Feb. 25, 1908 | Aug. 2, 1920 |
| Horace P. Smart, Jr., | Feb. 16, 1910 | Feb. 19, 1914 |
| William W. Gordon, Jr., | Feb. 16, 1910 | |
| Charles Ellis, | Feb. 19, 1914 | Aug. 2, 1920 |
| W. W. DeRenne, | June 30, 1916 | Aug. 2, 1920 |
| Henry R. Goetchius, | April 13, 1917 | |
| Alexander C. King, | Feb. 12, 1917 | |

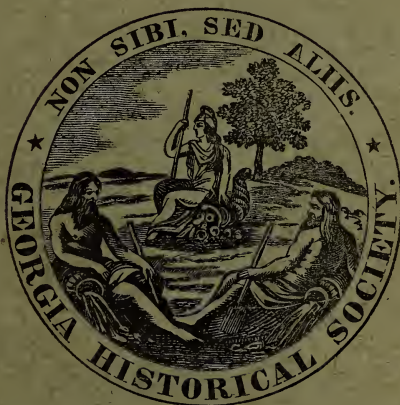
| CURATORS. | FROM | TO |
|-------------------|---------------|---------------|
| Lawton B. Evans, | Feb. 12, 1917 | |
| R. P. Brooks, | Feb. 12, 1917 | Nov. 2, 1917 |
| R. P. Brooks, | Aug. 2, 1920 | |
| DuPont Guerrey, | Feb. 12, 1918 | April 5, 1920 |
| T. M. Cunningham, | Feb. 12, 1918 | |
| Beverly D. Evans, | Feb. 17, 1920 | |
| David C. Barrow, | Aug. 2, 1920 | |
| Andrew J. Cobb, | Aug. 2, 1920 | |
| P. S. Flippen, | Aug. 2, 1920 | |
| A. C. Newell, | Aug. 2, 1920 | |
| H. R. Slack, | Aug. 2, 1920 | |
| W. E. Thomas, | Aug. 2, 1920 | |

NOTE

NOTE:—The conclusion of the Eulogy on Dr. N. W. Jones by Dr. Grimes, begun in the March number, will be given in the Quarterly for December.



THE GEORGIA HISTORICAL QUARTERLY



PUBLISHED BY THE
GEORGIA HISTORICAL SOCIETY
SAVANNAH, GEORGIA

VOL. IV—No. 4

DECEMBER, 1920

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VOL. IV—No. 4

DECEMBER, 1920

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Savannah, Georgia

ONE DOLLAR A NUMBER

THREE DOLLARS A YEAR

The Georgia Historical Quarterly

Volume IV

DECEMBER, 1920

Numbers 4

EULOGY ON THE

Life and Character of Dr. Noble Wymberley Jones

By DR. JOHN GRIMES

(Conclusion)

Did Hippocrates evince his love and attachment to his profession by the uncommon zeal and pains he took to instruct many of his own family in physical science, and sending them afterwards to practice in different countries, the most interesting in point of their medical history, with the command to dispense the beneficence of their art to all, especially the poor on the highway; and to report to him faithfully the results of their observation and experience in climates so opposite, the better to enlarge his own mind on the nature and cure of disease? Having first imparted to them his knowledge of the principles of medicine and his skill at observation, he sent Thessalus, his eldest son, to Thessaly; his younger son, Draco, to the Hellespont; and Polybus, his son-in-law, into another quarter of Greece.

The same spirit of devotion and reverence for medicine animated the labors and sweetened the professional cares of Doctor Jones. Proud of the honor of being a physician, convinced of the dignity and respect attached to all who discharge a right, and, with conscience, the solemn obligations of that avocation; sensible of the numerous blessings flowing to society, to humanity, from the well directed exertions of his profession; and anxious to discharge his overflowing philanthropy through that channel, he would gladly have rendered the names of Jones and Doctor indissoluble in his family forever. By his entreaties his only surviving child, Doctor George Jones, was induced, through a sentiment of

filial regard, to apply himself to medicine, contrary to his original bias. But he extended his solicitude to have his name connected with medicine still further. He was desirous that the present young Noble Wymberly Jones should *at once* perpetuate his name and his profession.

Like Hippocrates also he applied to comparative anatomy, with the view of enlarging his knowledge of the internal and intimate structure of man. The wild animals of the forest were made subservient to the benefit of his patients.

He continued to prosecute the duties of his profession in common with his father, until 1756, the three or four last years of which the burthen of the business devolved upon himself.

As the settlements extended, he obeyed professional calls into the country even as far as Sunbury, which is 40 miles from Savannah. The dangers and hardships of the Camp had already enured to habits of great labor, activity and vigilance. It would seem to have been the religion of his life to obey the calls of the sick with whatever difficulties and dangers they were accompanied. Such hazard was there to life from the ambuscade of the savage, and the lawless depredations of plundering banditti who lay in wait in the impenetrable morass and robbed and killed in the forest; that the practitioner who would then venture to visit alone in the country must have had a mind as bold and fearless as it was anxious to fulfill its obligations to his patients. On horseback, with a weapon of defense, Doctor Jones made his professional excursions from the city, whenever called upon either by night or day. I regret exceedingly that my personal acquaintance with Doctor Jones, formed in the latter part of the last year of his life, was necessarily so short; but I know enough of him to say that he was an excellent practitioner of medicine generally. He was correct in conception of disease, and bold and prompt in the application of his remedies. He was wedded to no particular system or mode of practice which left his mind free and open to suggestions from reason and changes in the indication of his patient's com-

plaints. He was cautious and precise in forming his opinion of a disease, and vigilant and active in executing it. The sensibility of his mind to the end of his life was so great as to be acted upon by the smallest portion of truth. While most physicians, from indolence and prejudice, become unchangeable in their principles and practice, before they are 40, Doctor Jones, at double that age, acknowledged and continued to embrace improvements in his profession. He was convinced that medicine is still in its infancy, and detested that stability in error so disgraceful to the healing art. Of this rare trait in his character and of the uncommon boldness and decision of his practice I became convinced, much to my satisfaction and astonishment, soon after my acquaintance with him.

In May, 1804, I consulted his aid in the treatment of a case of Opisthotomos to which I had been called, and proposed a plan of cure then new to him. Convinced of the usual inefficiency of all former methods, he readily assented, and urged it to an extent much beyond what experience had warranted, I believe to the safety of our patient.

Of the *originality* of his judgment and the accommodation of his practice to variations in the type and force of disease, I will mention another very conspicuous proof. Some time in the years between 1756 and 1761, a disease exhibiting all the essential characters of what has since been improperly called "yellow fever," visited Savannah. Finding the ordinary remedies for complaints of the season in which it invaded to be wholly ineffectual, he had recourse to bleeding and other depletive means, with benefit to his patients. This was a mode of practice then new and original in autumnal disease. In several other instances that have come to my knowledge, he has astonished his consulting brethren with the strength and boldness of his prescriptions and practice, of which the result always proved the correctness and depth of his judgment. Doctor Jones performed all the common operations in Chirurgery with dexterity and adroitness. He was particularly attentive to the cleanliness and condition of his chirurgi-

cal instruments, and used them as occasion required, with firmness and intrepidity, but he was chiefly pre-eminent in the art of the accoucheur. Here he was certainly master of his art. For knowledge and experience in this important branch of his profession, he was surpassed by none in this, or perhaps any *other* country. He practiced it with equal reputation in Philadelphia, Charleston and Savannah. Here even his competitors in the art acknowledged him dexterous and expert. Here, his patience, self-denial and devotion to his profession were particularly conspicuous, and excited the astonishment of all who knew him.

When called upon to administer relief in the line of his profession, his exertions were paramount to every difficulty. Neither the inclemency of the weather, the untimeliness of the hour, nor his own ill health, could operate as barriers to the accomplishment of his benevolent purpose. The stream of humanity springing from the copious reservoir of his heart was neither to be congealed by the wintry blasts nor evaporated by the summer blaze. Fed by a tributary streamlet from every fibre of his system, it could be exhausted only by the termination of his life. Sensible to the wants and sufferings of his patients, he was a stranger to that counterfeit humanity which evaporates in the empty parade and profession of sympathy. Leaving to others the suspicious practice of announcing in words their benevolent and charitable disposition, he spoke, by his actions, the reality of his feeling.

He was remarkably punctual to all his professional engagements, making every other kind of business subservient to them. Indeed, his devotion to his patients was such as to induce the belief that, regardless of emolument, motives of humanity were the only objects of his professional care. In his attendance upon the sick, he made their health his first object. So gentle and sympathizing was Doctor Jones' manner in a sick room that pain and distress seemed to be suspended in his presence. Humanity blessed his access, and hope followed his footsteps. He was compassionate and charitable to the poor; and made no distinction in his medical

services between them and the rich. Never, I venture to say it, never will Savannah again witness a physician possessed of as many amiable qualities as those which have endeared the memory of Doctor Jones. I smile under the magnitude of the subject.

Who has the language to express or can wield his pen to describe in a manner sufficiently vivid and glowing, the toils, the cares, the anxieties, and watchings of a physician such as our President was. Sedulously devoted to the best interests of his patients! But I acquire support from you citizens of Savannah who know and can conceive, better than I can paint, the inestimable value of his medical services. Are there any among you who do not recollect with sentiments of gratitude some signal mark of attention, benevolence and skill, bestowed upon the tender object of your solicitude or yourselves? When mankind in another far distant age shall have arrived at a more accurate and determinate knowledge of the, at present, secret and inexplicable motives to action in the human breast; when they shall have learned to reject from instances of human greatness the productions of base appetities and passions—the idolatry of the present day—and shall regard the quantity of volition expended and the sum of good attained by the exertions of man, as the only square and rule by which to adjudicate portions of reputation and fame; *then* shall beneficence, goodness and philanthropy exult in the reward of their services. Then shall the labors of the physician, exposing him to whatever is disgusting and offensive to the senses, stemming the torrent of disease, misery and distress; and moving in the silent and unambitious walks of his profession; excite the admiration, and insure the gratitude of the human race.

From this short and imperfect review of the life and early opportunities for medical improvement which Doctor Jones enjoyed, the inference is irresistible that, had these been such as are presented in a course of common medical education, he would have been as great in the *science* as he was in the *practice* of his profession. A mind such as he possessed,

laborious, minute and correct, could not fail to have imbibed with avidity, and improved upon, the knowledge of others. How vast is the difference between the avenues to medical knowledge which *he* commanded and those placed at the discretion of the common student of physic! The latter has presented to his juvenile and susceptible mind, systematized and cleansed from their rubbish, the facts, the opinions, the principles and the knowledge, which have been accumulated by the industry and genius of his ancestors from Hippocrates to Cullen, elucidated by lecture, and impressed by demonstration. Doctor Jones had the whole labor of thought and reason to perform for himself. What must the labors of that physiologist be, who, in forming just notions of the Zoonomia, (I mean the laws of organized life), never had his mind enriched by that preparatory knowledge which nothing but dissection, and the inspection of the various anatomical preparations of the human body *can* impart! What difficulties obscure the science of Pathology, when our knowledge of its basis, Physiology, is either small or incorrect; without these two main pillars, how tottering must be the Edifice of Medicine! Reflect, also, how many of the most perplexing intricacies of our science have been illustrated by that *halo* of light, with which chemistry has lately invested it. Within the limits of the last thirty years Chemistry has detected the nature and demonstrated the constituent parts of the element in which we live and upon which we depend for every moment of our existence. Within the same short time she has satisfied us upon the knotty and difficult subjects of respiration and animal heat; and convinced us that digestion is effected neither by trituration nor fermentation. She has exploded the ancient and very general *belief* of putrefaction in the fluids of the *living* system. She has purified and enlarged our views of the Materia Medica, and improved the science even of Chirurgery. She is now opening an extensive field of pneumatic remedies, and promises fairly to analyze that gas of Pandora which, in epidemic form, pervades the world. But with how many impediments do we meet in attempting to con-

ceive of and reason upon these brilliant discoveries, without the aid of the experiments and demonstrations of him who is skilled in this branch of our profession? Of these Doctor Jones was deprived both by the time of his application and the penury of his opportunities. When we consider this, and view the point of eminence he attained in his profession, we have a right to exclaim—He was a physician as *great* as he was *good*!

Doctor Jones' private, moral and religious character, was without a *shade* or a *blemish*. If the early part of his life, spent in the midst of toils, dangers, and watchings, had nerved his system and evolved his constitution to a degree well suited to the duties of an arduous and laborious profession, it will be admitted that it was exposed to causes unfriendly to the germination and growth of the seeds of humanity, morality and virtue. But neither the licentiousness and profligacy of the camp, nor the carnage of war, could harden the native susceptibility of his mind against that divine philanthropy which sympathizes in the distress and woe of another, or weaken the original propensity of his heart to whatever in piety and religion exalts and dignifies the human character. Having laid his hand upon the key that unlocks a knowledge of the causes which injure or ameliorate the physical and moral conditions of human nature, he applied it to himself with prudence and judgment, throughout his long life. To industry and activity he united the greatest temperance. With how much wisdom he adopted and practiced the latter virtue those know best who, like himself, are possessed of a knowledge of the deleterious effects of those physical agents which if they do not contract the sphere of life—a position be denied—do worse; in the destruction of our native susceptibility of moral and physical truth, and in the obliteration of that exalted sense—the lamp of the mind—the sense of *conscience* and of *God*.

Endowed naturally with the faculties for improvement, vast and infinite, we are ushered into a world of causes of opposite effects with the liberty to use or abuse them. Adapted

by the organization of our nature to hold extensive relation with external and surrounding objects, the most secret recesses of mind are not a sanctuary from their encroachment. Framed by the great Architect for the purpose of investigating, we are in turn affected by the objects of creation. Born with capacity only, we are indebted to these external agents not merely for the support and actions of life, but for the development of thought and mind. By them we move and exist; by them we are taught to cogitate, to reason, and to adore our Maker.

Amidst the causes which thus impart life and health to the body and organization and action to the mind, an infinity of others are blended which have the power to pervert and derange the one, and lay waste the other, to the influence of which we are equally propensed. Fortunate and happy indeed is he, therefore, who has acquired the sense to discriminate between them—who has the knowledge and wisdom to detect, and the fortitude and magnanimity to resist the *latter*. In this important branch of the philosophy of human life, the life of Doctor Jones abounds with examples of the greatest wisdom demonstrated in his action and conduct.

Led by his knowledge in Physiological Science to unravel the mazes which connect the mind and body in reciprocal action, he was struck with the mutual dependence and ultimate reciprocity of their movements, he saw that an agent or impression applied to the body, *by a law of physical necessity*, affected the mind also, and that the degree of influence communicated was exactly proportionate to the force, kind and quantity, of the agent, and the excitability of the part of the body to which the application is made. He also saw, that certain states of the mind, original in themselves, reverted their influence back upon the body. Conducted by the same channel of investigation, he beheld certain parts of the body, as well as certain states of the mind, linked together in more intimate and sensible connection than the rest, and exerted their reciprocal powers more quickly and extensively. Thus he contemplated the affections and gentle emotions of the

mind scintillating, from fibre to fibre, the flame of alacrity and excitement, grief, sorrow and despair, enervating the whole fabric, the angry passions distorting the heaven-born aspect of man with tumult and confusion, and extending their ravages to the throne of life while he viewed with delight and secret satisfaction salutary and benign influence which the understanding and the reason, the judgment and the moral faculty in friendship also with his exterior and social relations, imparted to the whole system of man. Thus, also, he contemplated with emotions of practical joy the *stomach*, like the sun in the center of the planetary system, diffusing the light and warmth of life and energy and darting its rays throughout the whole of the human system. The truth rushed in upon his mind, and he drew these grand practical inferences—that the *stomach* is the origin and fountain an important dispenser of motion and sympathetic association between the remote parts of the body and mind, that whatever impression or agent unnaturally affects or injures it, affects or injures, in the same degree, the whole system of life and thought; and that this fountain is curtailed in its powers of dispensation by whatever in aliment, or drink, or otherwise lessens and obtunds its native and original quantity of excitability—thus extinguishing the light of life and activity, in every corner of its associate dependencies.

Convinced of the truth of these important facts in the physical history of man, he sought about their application. In this research, he fell in with the vestiges, and pursued them to the stronghold of the *Monster*, whose syren voice breathed delight and destruction in the same blast. Here he beheld his gorgeous dwelling *enthroned* upon *Sensation*, and the sure ministers of his designs, under the mask of indulgence, pleasure, delight and ecstasy, laying waste the fairest portion of creation! Subverting the moral sense and sense of Deity, the main pillars of that noble edifice the mind; and ambuscading the walks of life, with disease, deformity and premature death! Thus inflicting on the human

race more pain and misery than the combined influence of pestilence and war! Persuaded of the necessary and inevitable deterioration of the moral and physical character of all who throw themselves within the sphere of the dominion of that Hydra (I mean sensation); and called upon by the destinies of professional education to exercise one of the most important functions in society; involving the obligation to display whatever of greatness and goodness he might profess; Doctor Jones put his habits, his manners, his passions and appetites under the control of his will. Hence he probably derived the reason of his temperance.

From the earliest accounts of him, to the end of his long life, he was a prodigy, in this country at least, of temperance, both in the indulgence of his appetite and the passions of his mind.

His diet, in the use of which he was singularly temperate, was simple and mostly vegetable. He ate sparingly of animal food, well done, with which he occasionally used pepper and salt. Among the articles of vegetable diet he gave the preference to wheat bread on which he was wont to make the principal part of his meal. He rejected the whole catalogue of condiments, except the two mentioned, and had a particular dislike to the saccharine and oleaginous, especially butter of the least rancidity. He had an aversion, also, to mutton, crabs and onions. Exclusive of these exceptions, he had no choice in the articles of his solid food. His politeness, however, always got the better of these antipathies, and induced him to partake of whatever was placed before him.

For many years before his death, he entirely rejected the use of vinous and spirituous fluids. In early and middle life, when much exhausted by the fatigues of his profession, he would take a draught of porter, or gin, much diluted; and, after dinner, one glass of wine. Next to water he preferred coffee. These were his only beverages for the last twelve years of his life. Of the latter, he was particularly fond, and used freely, whenever it was offered him. He drank it morning and eve-

ning and had recourse to it at all times, to relieve the fatigue, and to support the patience and vigilance, so certain and unavoidable, in line of his profession.

How fraught with happy effects would this lesson of experience be, if men generally, but especially physicians, could be induced to follow it! Fatigue and weariness necessarily molest the walks of your profession, but apply not for redress, O Physician, to the Omnipotent throne of alcohol of which wine is the gaudy appendage! Imitate the maxim of this veteran in our art! Exhilarate the exhausted powers of your system by the salutary and agreeable stimulus of coffee, which leaves no sting, hazards no virtue, destroys no talent. I shall make no apology for this minute detail of the furniture of the table and sideboard of our late President. It is no uninteresting part in the history of his life. Not only individuals, but whole nations, bear testimony to the good effects of simplicity and temperance in the use of aliments and drinks upon the moral and intellectual faculties and the longevity of man. Carneades, Edwards and Newton, accelerated the operations of their minds by temperance and abstinence. The Spartans probably owed their mental pre-eminence to their black broth. And the barley broth of Scotland has no doubt contributed much to that reputation for genius and learning which its inhabitants have acquired in every part of the world. But we shall never arrive at the certainty of system in our knowledge of the effects of aliments and drinks upon the human mind and body, till we preserve a minute record of the dietetic habits of men, with whom their salutary effects have been apparent. The influence which temperance exerts upon the moral faculty has rendered fasting a common ceremony in the religion of most countries. Did Doctor Jones owe to the toils and hardships of his early life much of the activity and vigor of his constitution? To industry combined with temperance we may attribute his longevity; to his simplicity and care in the indulgence of his appetite he was largely indebted for the vigor and strength in the faculties of

his mind; for that rectitude and dignity of character, and for the virtues which accompanied him to the end, and sustained him at the approach of death.

By thus resisting the influence of causes which enlarge the imagination and inflame the passions, at the expense of morals and judgment, he was enabled to subdue the original quickness and velocity of his temper; to cultivate his understanding; to expand his reason, and to cherish all the feelings of virtue and sociality. If by such habits, the limits of his fancy and imagination were bounded, and his passions lost their erratic tone, the other, and more useful, faculties of his mind and qualities of his heart, were strengthened and extended. His memory, perfect and juvenile in his last moments, was thus rendered an extensive and faithful repository of events, facts, opinions and principles. It was fed through the avenues of all his senses which to the end of an advanced old age were thus made to retain their nature and primitive sensibility.

From this copious reservoir his *will*, toned by temperance and industry, marshalled the materials of the operations of his reason and judgment unobscured by the vagaries of imagination and hypotheses. On the fine loom moves tissue of fancy. These agents, in the hands of Providence, made Doctor Jones what he was—a great and good man, and an excellent practitioner of the medical art. The early military habits of Doctor Jones were observable to the end of his life, in uniform neatness and cleanliness of his person, and the order in which he always kept his arms and accoutrements. In robust manhood he took much delight in the exercise and amusement of hunting on horseback. He was an excellent horseman and an uncommon good marksman.

I shall beg no pardon for being thus circumstantial in my detail of his private life. Even the amusements of men who have in any way distinguished themselves worthy of our admiration and praise, are not uninteresting anecdotes in an account of their lives.

Circumstances, often very slight and unperceived, have great effect in evolving and forming particular characters. Franklin acknowledged the force of this truth, when he detailed to us, in the history of his own life, his amusements of swimming and chessplaying. But the business of his profession alone gave Doctor Jones continued exercise, and occupied nearly the whole of his time. With these he mingled application to various subjects of knowledge. He read much, and chiefly upon medical, agricultural and political subjects.

His hours of study, the only time he could save from an extensive practice, were from 10 to 12 in the evening, and from 4 to 7 in the morning. He was a strict economist of time, which he appeared to consider as a species of property that no man had a right to take from him without his consent. It was by means of this economy and the system to which he reduced everything about him, that he was enabled to do so much in his profession; as much, if not more, than any of his younger brethren in this place could effect.

It may be well said of Doctor Jones that he lived by rule, without subjecting himself to the slavery of forms. He was always employed, but never in a hurry.

In the early part of his life he commonly devoted 6 or 7 hours out of the 24 to sleep. But the frequent interruptions to repose from professional calls induced a habit in him, at length, of waking up almost every hour of the night. For the last thirty years, three or four hours of sleep sufficed with him to recruit the exhaustion of the day.

We have to regret, in common with the rest of the inhabitants of Savannah, the devastation on property, committed by the fire of 1796. By that accident Doctor Jones was deprived of all of his books and papers, and use of many valuable and interesting documents, particularly his records of the condition and phenomena of our climate, which he had kept for many years. Convinced of the great and very extensive influence which temperatures and other conditions of the at-

mosphere exert in the production and prevalence of disease, he made meteorology for many years an object of his particular attention. Of his accuracy and faithfulness in recording the phenomena of this interesting science, he has left behind him some instructing monuments. Numbers from 1796 to the first day of the present year have been preserved. From a cursory review of them, it appears that he took particular notice of the degrees of heat, both in the sun and shade, and at different times in the day and night, of the direction of the currents of the air, of the quantity and frequency of rains, of the different degrees of dampness and clearness of the atmosphere, of the aerial electricity and explosion, and of frosts and high winds—all as they appeared conjointly or separately. In the course of a month there was not a single hour in the day and night against which the observation of temperature was not marked once or oftener, but commonly his hours of observation were 2, 5, 7 and 12 in the fore and 2 and 10 in the afternoon. He continued these observations to the day of the illness which terminated his valuable life. On that day, the 1st of January, as if *willing* to undertake another *year* of labor and observation, and *determined* not to outlive his usefulness, he made the following, his last record of the weather: "January 1st, 1805—at 3 a. m. the heat forty degrees; clear and starlight."

After the fire of 1796 Doctor Jones retired into the country with the intention of declining practice; but he soon became convinced that habits of industry and activity, once formed, could not be laid aside with impunity. Under a life of country indolence, his active mind and body both languished and grew sick. His extremities, long accustomed to the tone of continued exercise and motion, became fatigued by rest; waxed painful and swollen, and threatened abscess. Having remained in this condition in the country about six weeks, he was advised by his friends to return again to the busy scenes of practice. He complied; and when upward of 70 years of age re-entered with as much industry as ever the

beloved theater of his professional actions, which he continued with a renewal of cheerfulness and health to the first day of the present year.

Doctor Jones' social and domestic character was the most *mild* and *amiable*. If he could say nothing commendatory of one, he avoided giving or offering an opinion. His benevolence and charity were unbounded. He preserved economy in all his *own expenses*; but gave liberally to the poor and all useful institutions. He was long a member of the Union Society, of this place, and several times its President. This is the oldest and most respectable charitable institution in the state. His modesty was so great, that he cautiously avoided mentioning any material action of his life, lest it should have the air of vanity. His delicacy of manner was such that he was seldom known to ask for refreshment or make known a want, fearing it might occasion what he deemed trouble. Knowing his disposition, his family always had prepared, as if it were by accident, whatever they thought would be agreeable to him. He was indulgent to his servants, and so extremely affectionate to his relatives that he forgot his own indisposition while watching over and attending upon them when sick. For his success in his profession and all the services he had been enabled to bestow upon his family, his fellow citizens, and his country, he gave to God the praise; without prejudice, superstition or bigotry, he believed and practiced the wide and rational precepts of our holy religion. To the silence of medical infidelity be it spoken, that those who have the most improved and adorned our profession, in all ages, have been the friends and supporters of religion. Nor shall I defile the purity of their religious character, if to Hippocrates and Galen in the first, and Sydenham, Hoffman and Boerhaave in the middle, I add Doctor Jones to Cheselden and Fothergill, in the modern, age of medicine. In the progress of my inquiry after anecdotes of the early life and character of our President, I had recourse to the oldest memories the circle of my acquaintance furnished. All of them cherished a faithful record of the virtues I have attempted to portray. One of these, in which

the dementing inroads of time had obscured the recollection of almost every event still retained, asseverated this forcible expression: "That he was as good a man as ever lived! Indeed, were I permitted to epitomize his character. I would exclaim, in the apposite eulogy on Hippocrates by Galen; 'That there was but *one* sentiment in his soul, and that was the love of doing *good*; and, in the course of his *long life*, but *one* act, and that was the *relieving the sick*.'" "

Doctor Jones had fourteen children, and survived them all but his son, whom we have mentioned. The day on which he was taken ill was the fiftieth of his nuptials. It was a custom with him to celebrate its anniversary by assembling his numerous family to dinner with him. This patriarchal assembly convened for the last time on the 1st of January, 1804. He then observed to his son, "It was the best he could give," and requested him to prepare the next, should he and the ancient partner of his life, be still living. The welcome injunction was obeyed, and an invitation sent to his parents to which he received as apology the indisposition of his father.

From much fatigue and exposure to cold in attending upon several obstetric patients, the two or three last nights, Doctor Jones was attacked on the morning of the 1st of January, 1805, with pain in his back and extremities, particularly his feet and legs, which he said had been much affected by the severity of the cold. In this condition, he returned from visiting some of his patients, about 10 o'clock in the morning; and was advised by his son to rest and the use of medicine. His friends hoped that his indisposition was slight, and, arising mostly from fatigue, would be removed by refreshment and gentle means; but he had and expressed from the first of his going to bed, a presentiment that his illness would be fatal. His disease continued two or three days, as it commenced, without assuming any characteristic or specific form. It was fever of the Synocha grade of excitement, with a sense of weariness and lassitude over the system generally, attended with some pain in the lumbar regions and extremities, frequently changing place, and with cramps in the muscles of his legs.

He was now about his eightieth year, had never been bled, and only once blistered, from which he then suffered so much that he felt loath ever after to recur to their use. These considerations induced in himself a disinclination to use, and in his attendants to urge, at first either of these remedies, so obviously indicated. Thus several days elapsed under a mild depleted regimen; then his disease which as yet had worn only the livery of the complaints of the season, evolved itself. It was now evidently the pneumonic state of fever, with an aggravation of all the original symptoms. The lancet and vesicating remedies were now urged by his physicians. "Though," he said, "he had himself no hope of relief from remedies, he conceived it a duty he owed to his family and his Maker to submit to whatever treatment was advised." Blood was let three or four times, which exhibited much inflammatory scurf; blisters were applied and the antiphlogistic system adopted in its extent. The activity and force of his pulse continued unrestrained, and his malady augmented. His arteries would seem to have been literally the *ultimum moriens* of his system, such was the force and vigor of their action to the very last. The citizens of Savannah evinced their love and affection, and the whole medical faculty of this place their respect for Doctor Jones, by their frequent calls and inquiries after his health.

About 1 o'clock in the afternoon of the 8th day of his indisposition he requested that, having submitted to treatment which had been painful and ineffectual, for the satisfaction of his family and friends, finding it was difficult to swallow, and feeling that he had but a few more hours to remain in this life, he might be indulged to *sleep them away*.

He fell into a doze; and about 3 o'clock on the morning of the 9th, he expired, without a struggle or a groan! The solemnity of this scene, the most impressive I ever witnessed, affected and depressed my mind in a peculiar manner. It was such an emotion of soul, such as any of you would have felt at contemplating so much virtue, goodness and greatness,

paying the debt of mortality! Our President is no more! At this mournful event, every bosom heaves the heartfelt sigh; every mind is affected with grief, sorrow and regret!

To you, respectable relicts of his departed worth, the loss is peculiarly afflicting—is irreparable—but I am advancing on forbidden ground. A regard, I hope a delicate and proper one, for the feelings of some of those who honor me with their presence, forbids my touching on a subject so affecting. It would be rude indeed thus publicly to intrude upon the sanctuary of recent sorrow. The feeling bosom can well appreciate this truth, that there is a degree of woe which must be suffered to retire and weep. It is only the silence and secrecy of sorrow that are truly divine. What consolation can we offer to the immediate relatives of our departed President, when we have not yet obtained consolation for ourselves! The emotions of joy which should have hailed the access of this day, the first anniversary of the birth of Medical Science in our state, are destroyed by the melancholy recognition of the death of its progenitor and father! The hall of philosophic fraternity is converted into the Temple of Mourning! The orphan genius of our Infant Institution celebrates the first annual morn of its nativity, bathed in sorrow, and despair, for the loss of the venerable author of its existence. Thus, their as well as our, *only* resource lies in the mellowing influence of time, and a calm resignation to the will of that Being who gave and has recalled our, as well as their, endeared and beloved ancestor. Let them as well as ourselves be comforted! His venerable shade has flown to a mansion where it is reposing from its toils and labors, and enjoying an *eternity* of *youth* in the retribution of his virtues and his services.

From that region of beatitude and everlasting joy let fall, O Venerable Shade! the mantle of thy protection, upon this Infant Society. Impart to it the duration and firmness of thy own nature. Inspire its members with that holy ardor in the duties of their profession, which animated thee, and caused to be inscribed on the door of the Hall of its Assemblies: “*Let no man enter here, who is not devoted to Medicine.*”

The Two Royal Commissions

Issued to JOHN REYNOLDS

As Governor of the Province of Georgia

When the charter creating the "Trustees for Establishing the Colony of Georgia in America" was surrendered and it became necessary for the British sovereign to appoint a governor of the Province, George III. made choice of John Reynolds to fill that office. It does not appear that the commissions issued to him have anywhere been printed in full; but Colonel Charles C. Jones, Jr., in his "History of Georgia," Vol. I, pages 462-463, gives a synopsis of what they contain. In the sixth and seventh volumes of the "Colonial Records of Georgia," published by the State, the minutes of the President and Assistants and Governor and Council appear in almost complete form; but they show only that Governor Reynolds "produced" his commission, on each occasion and that it was "read," but not recorded, while the oath taken by him is printed.

At a meeting of the Georgia Historical Society, held on Monday, December 6, 1875, Mr. George Wymberley Jones DeRenne presented certified copies of the two commissions in the following letter:

Savannah, Ga., December 6, 1875.

To the President of the Georgia Historical Society:

SIR:

I desire to present through you to the Georgia Historical Society certified copies of the first royal commissions issued to the Governor of the Colony of Georgia, 1754.

As you are doubtless aware, the charter granted to the trustees was surrendered by them in 1752, and became thenceforth little more than a historical curiosity. The real Constitution of Georgia before the Revolution is to be found in these commissions to the first Governor, yet of such important

papers but one copy existed and that in manuscript, their very existence having been apparently forgotten.

That the knowledge of these commissions, the foundation of the whole colonial government and legislation of our State, may not perish, I have caused properly authenticated copies to be made and now give them to the Society for preservation in its archives and for publication among its collections if deemed fit.

I am, very respectfully,

Your obedient servant,

(Signed) G. W. J. DeRENNE.

George the second, by the grace of God, of Great Britain, France and Ireland, King defender of the faith and so forth. To our trusty and well beloved John Reynolds, Esquire, Greeting: We, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said John Reynolds, of our especial grace certain knowledge and mere motion have thought fit to constitute and appoint, and, by these presents, do constitute and appoint you, the said John Reynolds, to be our Captain General and Governor in Chief in and over our Colony of Georgia in America, lying from the most northern stream of a river there commonly called Savannah, all along the sea coast to the southward unto the most southern stream of a certain other great water or river called Altamaha, and westward from the heads of the said rivers respectively in straight lines to the south seas, and of all that space circuit and precinct of land lying within said boundarys, with the Islands in the sea lying opposite to the eastern coast of the said lands, within twenty leagues of the same, and we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command, and the trust we have reposed in you according to the several powers and authorities granted or appointed you by this present commission, and the instructions herewith given you, or by such further powers, instructions and authorities as shall at any time hereafter be granted or ap-

pointed you under our signet and sign manual, or by our order in our privy Council, and according to such reasonable law and statutes as now are in force or hereafter shall be made and agreed upon by you, with the advice and consent of our Council and the assembly of our said colony, under your government, in such manner and form as is hereafter expressed, and our will and pleasure is that you, the said John Reynolds, after the publication of these, our letters patents, do, in the first place, take the oaths appointed to be taken by an act passed in the first year of our late royal father's reign, entitled an act for the further security of His Majesty's person and Government, and the succession of the Crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors, as also that you make and subscribe the declaration mentioned in an act of Parliament made in the twenty-fifth year of the reign of King Charles the second, entitled an act for preventing danger which may happen from popish recusants, and likewise that you take the usual oath for the due execution of the office and trust of our Captain General and Governor in Chief in and over our said Colony of Georgia, for the due and impartial administration of justice; and further that you take the oath required to be taken by Governors of plantations to do their utmost that the several laws relating to trade and the plantations be observed. Which said oaths and declaration our Council in our said colony, or any three of the members thereof, have hereby full power and authority and are required to tender and administer unto you, and in your absence to our Lieutenant Governor, if there be any upon the place, all which being duly performed you shall administer to each of the members of our said Council, also to our Lieutenant Governor, if there be any upon the place, the oaths mentioned in said act entitled, An act for the further security of His Majesty's person and Government, and the succession of the crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and

secret abettors, as also to cause them to make and subscribe the forementioned declaration and to administer to them the oath for the due execution of their places and trusts. And we do hereby give and grant unto you full power and authority to suspend any of the members of our said Council from sitting, voting and assisting therein if you shall find just cause for so doing, and if there shall be any Lieutenant Governor him likewise to suspend from the execution of his command, and to appoint another in his stead until our pleasure be known. And if it shall at any time happen that by the death, departure out of our said colony, or suspension of any of our said councillors, or otherways there shall be a vacancy in our said Council, any three whereof we do hereby appoint to be a quorum, our will and pleasure is that you signify the same unto us by the first opportunity, that we may, under our signet and sign manual, constitute and appoint others in their stead; but, that our affairs may not suffer at that distance for want of a due number of Councillors, if ever it shall happen that there shall be less than seven of them residing in our said colony, we do hereby give and grant unto you, the said John Reynolds, full power and authority to choose as many persons out of the principal freeholders, inhabitants thereof, as will make up the full number of our said Council to be seven, and no more, which persons so chosen and appointed by you shall be to all intents and purposes Councillors in our said colony, until either they shall be confirmed by us or that by the nomination of others by us, under our sign manual and signet. Our said Council shall have seven or more persons in it, and we do hereby give and grant unto you full power and authority, with the advice and consent of our said council, from time to time as needs shall require to summon and call General Assemblies of the said freeholders and planters within your government, in manner and form as directed by the instruction herewith given you: And our will and pleasure is that the persons thereupon duly elected by the major part of the freeholders of the respective districts, counties, and places, and so return shall before their sitting take the oath mentioned in the

said act entitled, An act for the further security of His Majesty's Person and Government and the succession of the Crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the Pretended Prince of Wales and his open and secret abettors, as also make and subscribe the aforementioned declaration which oaths and declaration you shall commissionate fit persons under our seal of Georgia to tender and administer unto them, and until the same shall be so taken and subscribed, no person shall be capable of sitting, though elected, and we do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of that our, colony. And you, the said John Reynolds, with the consent of our said Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said colony and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances are not to be repugnant but as near as may be agreeable unto the laws and statutes of this our Kingdom of Great Britain: Provided, that all such laws, statutes and ordinances of what nature or duration soever, be, within three months, or sooner, after the making thereof, transmitted unto us under our seal of Georgia for our approbation or disallowance of the same, as also duplicates thereof, by the next coveyance; and in case any or all of the said laws, statutes and ordinances being not before confirmed by us shall at any time be disallowed, and not approved, and so signified by us, our heirs and successors, and under our or their sign manual and signet, or by order of our or their privy Council unto you, the said John Reynolds, or to the Commander in Chief of our said colony, for the time being, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved shall from henceforth cease, determine and become utterly void and of none effect, anything to the contrary thereof notwithstanding. And to

the end that nothing may be passed or done by our said Council or Assembly to the prejudice of us, our heirs and successors, we will and ordain that you, the said John Reynolds, shall have and enjoy a negative voice in making and passing all laws statutes and ordinances, as aforesaid, and you shall and may likewise, from time to time as you shall judge it necessary, adjourn, prorogue and dissolve all general Assemblies as aforesaid. And our further will and pleasure is that you shall and may use and keep the public Seal of our colony of Georgia for sealing all things whatsoever that pass the great seal of our said colony under your government. And we do further give and grant unto you, the said John Reynolds, power and authority from time to time or at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give the aforementioned oaths to all and every such person and persons as you shall think fit who shall at any time or times pass into our said colony or shall be resident or abiding there. And we do further by these presents give and grant unto you, the said John Reynolds, full power and authority, with the advice and consent of our said Council, to erect, constitute and establish such and so many courts of judicature and public justice within our said colony under your government as you and they shall think fit and necessary for the hearing and determining all causes as well criminal as civil, according to law and equity, and for awarding of execution thereupon with all reasonable and necessary powers, authorities, fees and privileges thereto, as also to appoint and commissionate fit persons in the several parts of your government to administer the oaths mentioned in the aforesaid Act entitled An Act for the further security of His Majesty's person and government and the succession of the crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors, as also to tender and administer the aforesaid declaration unto such persons belonging to said courts as shall be obliged to take the same. And we do hereby authorize and empower you to constitute and appoint judges,

and in cases requisite commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers in our said colony, for the better administration of justice and putting the laws in execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of officers and places and for the clearing of truth in judicial causes. And we do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us fit objects of our mercy, to pardon all such offenders and to remit all such offenses, fines and forfeitures, treason and wilful murder only excepted, in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders, until and to the intent our royal pleasure may be known therein. And we do, by these presents, authorize and empower you to collate any person or persons to any churches, chapels, or other ecclesiastical benefices within our said colony aforesaid, as often as any of them shall happen to be void. And we do hereby give and grant unto you the said John Reynolds, by yourself or by your captains and commanders by you to be authorized full power and authority to levy, arm, muster, command and employ all persons whatsoever residing within our said colony of Georgia under your government, and, as occasion shall serve, to march from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates and rebels, both at sea and land, and to transport such forces to any of our plantations in America, if necessity shall require, for the defense of the same against the invasion or attempts of any of our enemies, and such enemies, pirates and rebels, if there shall be occasion, to pursue and prosecute in or out of the limits of our said colony and plantations, or any of them, and if it shall so please God them to vanquish, apprehend and take, and being taken, either according to law to put to death or keep and preserve alive at your discretion, and to execute martial law in time of inva-

sion, or other times when by law it may be executed, and to do and execute all and every other thing and things which to our Captain General and Governor in Chief doth or ought of right to belong. And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect, raise, and build in our said colony of Georgia such and so many forts, platforms, castles, cities, boroughs, towns and fortifications as you by the advice aforesaid shall judge necessary, and the same or any of them to fortify and furnish with ordnance, ammunition, and all sorts of arms fit and necessary for the security and defense of our said colony, and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient. And, for as much as diverse mutinies and disorders may happen by persons shipped and employed at sea during the time of war, and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered, we do hereby give and grant unto you, the said John Reynolds, full power and authority to constitute and appoint Captains, Lieutenants, Masters, of ships and other commanders and officers and to grant unto such Captains, Lieutenants, Masters, of ships or other commanders and officers, commissions to execute the law martial during the time of war according to the directions of two Acts, the one passed in the thirteenth year of the reign of King Charles the second, entitled An Act for the establishing articles and orders for the regulating and better government of His Majesty's Navies, Ships of War and forces by sea, etc. The other passed in the eighteenth year of our reign, entitled An Act for the further regulating and better government of His Majesty's Navies, ships of War and forces by sea and for regulating proceedings upon Courts Martial in the sea service, and to use such proceedings, authorities, punishments, corrections and executions upon any offender or offenders who shall be mutinous, seditious, disorderly, or any way unruly, either at sea or during the time of their abode or residence in any of the ports, harbours, or bays of our said colony, as the cause shall

be found to require, according to martial law, and the said directions, during the time of war as aforesaid, provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offense, cause, matter or thing committed or done upon the high sea, or without any of the havens, rivers or creeks of our said colony under your government, by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other person whatsoever who shall be in our actual service and pay in or on board any of our ships of war or other vessels, acting by immediate commission or warrant from our Commissioners for executing the offices of our High Admiral, or from our High Admiral of Great Britain for the time being, under the seal of our Admiralty; but that such Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other person so offending shall be left to be proceeded against and tried as their offenses shall require either by commission under our great seal of Great Britain, as the statute of the twenty-eighth of Henry the Eighth directs, or by commission from our said commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being according to the aforementioned Acts for the establishing Articles and Orders for the regulating and better government of His Majesty's Navies, Ships of war and forces by sea, and not otherwise provided. Nevertheless, that all disorders and misdemeanors committed on shore by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other person whatsoever, belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our said Commissioners for executing the office of our High Admiral or from our High Admiral of Great Britain for the time being under the seal of our Admiralty, may be tried and punished according to the laws of the place where any such disorders, offenses, misdemeanors, shall be committed on shore, notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our

said commissioners for executing the office of our High Admiral, or from our High Admiral of Great Britain for the time being as aforesaid, so as he shall not receive any protection for the avoiding of justice for such offenses committed on shore from any pretense of his being employed in our service at sea. And our further will and pleasure is that all public money raised, or which shall be raised by any act to be hereafter made within our said colony be issued out by warrant from you by and with the advice and consent of our Council and disposed of by you for the support of the government and not otherways. And we do hereby likewise give and grant unto you full power and authority by and with the advice and consent of our said Council to settle and agree with the inhabitants of our colony aforesaid for such Lands, Tenements, Hereditaments as now are or hereafter shall be in our power to dispose of, and them to grant to any person or persons upon such terms and under such moderate Quite Rent Services and acknowledgements to be thereupon reserved unto us as you, by and with the advice aforesaid, shall think fit, which said grants are to pass and be sealed by our seal of Georgia, and, being entered upon record by such Officer or Officers as are or shall be appointed hereunto, shall be good and effectual in law against us, our heirs and successors. And we do hereby give you, the said John Reynolds, full power and authority to order and appoint fairs, marts, and markets, as also such and so many ports, Harbors, Bays, Havens and other places for the convenience and security of shipping, and for the better loading and unloading of goods and merchandise as by you, with the advice and consent of our said Council shall be thought fit and necessary. And we do hereby require and command all Officers and Ministers, Civil and Military, and all other inhabitants of our said colony, to be obedient, aiding and assisting unto you, the said John Reynolds, in the execution of this our commission and of the powers and authorities herein contained; and in case of your death or absence out of our said colony to be obedient, aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander

in Chief of our said colony, to whom we do therefore, by these presents, give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure, or until your arrival within our said colony.

And if, upon your death, or absence out of our said colony, there be no person upon the place commissioned or appointed by us to be our Lieutenant Governor or Commander in Chief of our said province, our will and pleasure is that the eldest councillor whose name is first placed in our said instruction to you and who shall be, at the time of your death or absence, residing within our said colony of Georgia shall take upon him the administration of the government, and execute our said commission and instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes as other our Governor or Commander in Chief of our said colony should or ought to do in case of your absence, until your return or in all cases until our further pleasure being known therein. And we do hereby declare, ordain and appoint that you, the said John Reynolds, shall and may hold, execute and enjoy the office and place of our Captain General and Governor in Chief in and over our colony of Georgia, together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster the sixteenth day of August in the twenty-eighth year of our reign.

By writ of privy seal,

(Great Seal)

YORK & YORK.

STATE OF GEORGIA,

OFFICE SECRETARY OF THE STATE.

Atlanta, Ga., Dec. 1, 1875.

I hereby certify that the above and foregoing thirteen pages contain a true and correct copy of the original commission from the records of this office.

Given under my hand and official seal.

(Signed)

N. C. BARNETT, Secretary of State.

George the Second by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith. To our beloved John Reynolds, Esqr., our Captain General and Governor in Chief of our province of Georgia in America, Greeting: We, confiding very much in your fidelity, leave, and circumspection in this behalf, do, by these presents which are to continue during our pleasure only, ordain, constitute & depute you, the said John Reynolds, Esqr., our Captain General and Governor in Chief aforesaid, our Vice Admiral, Commissary and Deputy in the Office of Vice Admiralty, in our Province of Georgia aforesaid, and territories thereon depending, and in the maritime parts of the same and thereto adjoining, whatsoever, with power of taking and receiving all and every of the fees, profits, advantages, emoluments, commodities and appurtenances whatsoever due and belonging to the said office of Vice Admiral, Commissary and Deputy in our said Province of Georgia and Territories dependent thereon and maritime parts of the same and adjoining to them whatsoever according to the ordinances and statutes of our high court of Admiralty of England, and we do hereby commit and grant unto you, the aforesaid John Reynolds, Esqr., our power and authority in and throughout all our province of Georgia aforementioned, and territories thereof and maritime parts whatsoever adjacent thereto, and also throughout and every part of the sea shores, public streams, ports, fresh water rivers, creeks and arms, as well of the sea, as of the rivers and coasts whatsoever of our said Province of Georgia and territories dependent thereon and maritime parts whatsoever of the same and thereto adjacent as, well within liberties and franchises as without to take cognizance of and proceed in all causes, civil and maritime, and in complaints, contracts, offenses or suspected offenses, crimes, pleas, debts, exchanges, accounts, charter parties, agreements, suits, trespasses, injuries, extortions, and demands, and business, civil and maritime whatsoever, commenced or to be commenced between merchants or between owners and proprietors of ships and other

vessels and merchants or others whomsoever, with such owners and proprietors of ships and all other vessels whatsoever employed or used within the maritime jurisdiction of our Vice Admiralty of our said province of Georgia and territories depending on the same, or between any other persons whomsoever had made, began or contracted for any matter, thing, cause or business whatsoever done or to be done within our maritime jurisdiction aforesaid, together with all and singular their incidents emergencies, dependencies, annexed and connexed, causes whatsoever, wheresoever or howsoever, and such causes, complaints, contracts and other the premises abovesaid, or any of them, which may happen to arise, be contracted, had or done. To hear and determine according to the rights, statutes, laws, ordinances and customs anciently observed, and moreover in all and singular complaints, contracts, agreements, causes and business, civil and maritime, to be performed beyond the sea or contracted there, howsoever arising or happening, and also in all and singular other causes and matters which in any manner whatsoever touch or any way concern or anciently have and do or ought to belong unto the maritime jurisdiction of our aforesaid Vice Admiralty in our said province of Georgia and territories thereon depending, and maritime parts thereof, and to the same adjoining, whatsoever and generally, in all and singular other causes, suits, crimes, offenses, excesses, injuries, complaints, misdemeanors or suspected misdemeanors, trespasses, regratings, forestallings, and maritime businesses whatsoever throughout the places aforesaid within the maritime jurisdiction of our Vice Admiralty of our Province of Georgia aforesaid, and territories thereon depending, by sea or water, or the banks or shores of the same, howsoever done, committed, perpetrated or happening, and also to inquire by the oath of honest and lawful men of our said province of Georgia and territories dependent thereon and maritime parts of the same and adjoining to them whatsoever dwelling both within liberties and franchises, and without as well of all and sin-

gular such matters and things which of right and by the statutes, laws, ordinances and customs anciently observed were wont and ought to be enquired after, as of wreck of the sea and of all and singular the goods and chattels of whatsoever traitors, pirates, manslaughterers and felons howsoever, offending within the maritime jurisdiction of our Vice Admiralty of our province of Georgia aforementioned, and territories thereunto belonging and of the goods, chattels and debts of all and singular their maintainers, accessories, councillors, abettors or assistants whomsoever, and also of the debts, goods and chattels of whatsoever person or persons, felons of themselves by what means or howsoever coming to their death within our aforesaid maritime jurisdiction wheresoever any such goods, debts and chattels or any part thereof by sea, water or land in our said province of Georgia and territories thereon dependent and maritime parts of the same and thereto adjacent whatsoever as well as within liberties and franchises as without have been or shall be found forfeited or to be forfeited, or in being and moreover as well of the goods, debts and chattels of whatsoever other traitors, felons and manslaughterers wheresoever offending, and of the debts, goods and chattels of their maintainers, accessories, councillors, abettors or assistants as of the goods, debts and chattels of all fugitives, persons convicted, attained, condemned, outlawed or howsoever put or to be put inexigent for treason, felony, manslaughter or murder, or any other offense or crime whatsoever, and also concerning goods waveing Flotson, Jetson, Lagon, shares and Treasure found or to be found, Deodands, and of the goods of all others whatsoever taken or to be taken as derelict or by chance found or to be found or howsoever due or to be due and of all other casualties as well in, upon, or by the sea and shores, creeks or coasts of the sea, or maritime parts as in, upon, or by all fresh water ports, public streams, rivers or creeks, or places overflown whatsoever, within the ebbing and flowing of the sea, or high water upon the shores or banks of any of the same within our maritime jurisdiction aforesaid, howsoever, when-

soever, or by what means soever arising, happening, or proceeding or wheresoever such debts goods and chattels, or other the premises, or any parcel thereof, may or shall happen to be not with or found within our maritime jurisdiction aforesaid, and also concerning anchorage, lastage and ballast of ships and of fishes royal, namely Sturgeons, Whales, Porpoises, Dolphins, Riggs and Grampuses, and generally of all other fishes whatsoever which are of a great or very large bulk of fatness, anciently by right of custom or any way appertaining or belonging to us. And to ask, require, levy, take, collect, receive and obtain and to the use of us and the office of our High Admiral of Great Britain aforesaid, for the time being, to keep and preserve the said wreck of the sea and the goods, debts and chattels, and all and singular other the premises, together with all and all manner of fines mullets, issues, forfeitures, amercements, ransoms, recognizances whatsoever forfeited or to be forfeited and pecuniary punishments for trespasses, crimes, injuries, extortions, contents and other misdemeanors, whatsoever, howsoever imposed or inflicted or to be imposed or inflicted for any matter cause or thing whatsoever in our said Province of Georgia, and territories thereunto belonging, and maritime parts of the same and thereto adjoining, in any court of our Admiralty there held or to be held presented or to be presented, assessed, brought, forfeited or adjudged, and also all amercements, issues, fines, perquisites, mullets and pecuniary punishments whatsoever, and forfeitures of all manner of recognizances before you or your Lieutenant, Deputy or Deputies in our said Province of Georgia, and Territories thereunto belonging, and maritime parts of the same and thereto adjacent whatsoever, happening or imposed or to be imposed or inflicted or by any means assessed, presented, forfeited, or adjudged or howsoever by reason of the premises due or to be due in that behalf, to us or our heirs and successors; and further to take all manner of recognizances, cautions, obligations, and stipulations, as well to our use as at the instance of any parties for agreements or debts and other causes what-

soever, and to put the same in execution, and to cause and command them to be executed and also to arrest and cause and command to be arrested according to the civil and maritime laws and ancient customs of our said court all ships, persons, things, goods, wares and merchandizes for the premises, and every of them, and for other causes whatsoever concerning the same whensoever they shall be met with or found throughout our said Province of Georgia and territories thereunto belonging and maritime parts thereof and thereto adjoining within liberties and franchises, or, without, and likewise for all other agreements, causes or debts howsoever contracted or arising, so that the goods or persons of the debtors may be found within our jurisdiction aforesaid and to hear, examine, discuss and finally determine the same with their emergencies, dependencies, incidents annexed and connexed, causes and businesses whatsoever, together with all causes, civil and maritime and complaints, contracts and all and every the respective promises whatsoever, above expressed, according to the laws and customs aforesaid, and by all other lawful ways, means and methods, according to the best of your skill and knowledge, and to compel all manner of persons in that behalf as the case shall require to appear and to answer with power of using any temporal coercion, and of inflicting any other penalty or mulct according to the laws and customs aforesaid, and to do and minister justice according to the right order and course of the law summarily, and plainly looking only into the truth of the fact and to fine, correct, punish, chastize and reform and imprison, and cause and command to be imprisoned, in any gaols being within our Province of Georgia aforesaid and territories thereunto belonging to parties guilty and the contemners of the law and jurisdiction of our Admiralty aforesaid, and violators, usurpers, delinquents and contumacious absenters, masters of ships, mariners, rowers, fishermen, shipwrights, and other workmen and artificers whatsoever, exercising any kind of maritime affairs, according to the rights, statutes, laws, ordinances and customs an-

ciently observed, and to deliver and absolutely discharge and cause and command to be discharged whatsoever persons imprisoned in such cases who are to be delivered and to preserve and cause to be preserved the public streams, ports, rivers, fresh waters and creeks whatsoever within our maritime jurisdiction aforesaid, in what place soever they be in our said Province of Georgia and territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever, as well for the preservation of our Navy Royal and of the fleets and vessels of our kingdoms and dominions aforesaid as of whatsoever fishes increasing in the rivers and places aforesaid, and also to keep and cause to be executed and kept in our said Province of Georgia and territories thereunto belonging and maritime parts thereof and thereto and adjacent whatsoever, the rights statutes, laws, ordinances and customs anciently observed to do, exercise, expedite and execute all and singular other things in the premises, and every of them, as they by right and according to the laws and statutes, ordinances and customs aforesaid should be done, and moreover to reform nets too close and other unlawful engines, or instruments whatsoever, for the catching of fishes wheresoever, by sea or public streams, ports, rivers, fresh waters or creeks whatsoever throughout our Province of Georgia aforesaid, and territories dependent thereon and maritime parts of the same and thereto adjacent, used or exercised by water within our maritime jurisdiction aforesaid wheresoever, and to punish and correct the exercises and occupiers thereof according to the statutes, laws ordinances, and customs aforesaid, and to pronounce, promulge and interpose all manner of sentences and decrees and to put the same in execution with cognizance and jurisdiction of whatsoever other causes civil and maritime which relate to the sea or which any manner of ways respect or concern the sea, or passage over the same, or naval or maritime voyages, or our said maritime jurisdiction, or the places or limits of our said Admiralty and cognizance aforementioned, and all other things done or to be done,

with power also to proceed in the same according to the statutes, laws, ordinances and customs aforesaid, anciently used as well of meer office, mixt or promoted as at the instance of any party as the case shall require and seem convenient. And likewise with cognizance and decision of wreck of the sea, great or small, and of the death, drowning and view of dead bodies of all persons howsoever killed, or drowned or murdered, or which shall happen to be killed, drowned, or murdered, or by any other means come to their death in the sea, or public streams, ports, fresh waters or creeks, whatsoever, within the flowing of the sea and high water mark throughout our aforesaid Province of Georgia and territories thereunto belonging and maritime parts of the same and thereto adjacent, or elsewhere within our maritime jurisdiction aforesaid, together with the cognizance of mayhem in the aforesaid places within our maritime jurisdiction aforesaid and flowing of the sea and water there happening, with power also of punishing all delinquents in that kind according to the exigencies of the law and customs aforesaid, and to do, exercise, expedite and execute all and singular other things which in and about the premises only shall be necessary or thought meet according to the rights, statutes, laws, ordinances and customs aforesaid, with the power of deputing and surrogating in your place for the premises one or more deputy or deputies, as often as you shall think fit, and also with power from time to time of naming, appointing, ordaining, assigning, making and constituting whatsoever other necessary fit and convenient officers and ministers unto you, for the said office and execution thereof, in our said province of Georgia and territories thereunto belonging and maritime parts of the same and thereto adjacent whatsoever (saving always the right of our high court of Admiralty of England and also of the judge and register of the said court from whom or either of them it is not our intention in anything to derogate by these presents and saving to every one who shall be wronged or grieved by any definitive sentence or interlocutory decree which shall be given in

the Vice Admiralty court of our Province of Georgia aforesaid, and territories thereunto belonging, the right of appealing to our aforesaid high court of Admiralty of England) provided nevertheless, and under this express condition, that if you, the aforesaid John Reynolds, Esq., our Captain General and Governor in Chief aforesaid shall not yearly (to-wit) at the end of every year, between the Feasts of St. Michael the Archangel and All Saints duly certify or cause to be effectually certified (if you shall be thereunto required) to us and our Lieutenant Official Principal and Commissary General and Special and Judge and President of the high court of our Admiralty of England aforesaid all that which from time to time by virtue of these presents you shall do, execute, collect, or receive in the premises, or any of them, together with your full and faithful account thereupon, to be made in an authentic form and sealed with the seal of our office remaining in your custody, that from thence and after default therein these our Letters Patent of the office of Vice Admiral aforesaid as above granted shall be Null and Void and of no force or effect. Further, we do, in our name, command all and singular our Governors, Justices, Mayors, Sheriffs, Captains, Marshals, Bailiffs, Keepers of all our goods and Prisons, Constables, and all other our officers and faithful and Liege Subjects whatsoever, and every of them, as well within liberties and franchises as without. That in and about the execution of the premises and every of them they be aiding, favoring, assisting, submissive and yield obedience in all things as is fitting to you, the said John Reynolds, Esq., our Captain General, Governor in Chief of our Province of Georgia aforesaid, and to your deputy whomsoever and to all other officers (by you appointed or to be appointed) of our said Vice Admiralty in our province of Georgia aforesaid and territories thereunto belonging and maritime parts of the same and thereto adjoining, under pain of the law and the peril which will fall thereon. Given at London in the High Court of our Admiralty of England afore-

said under the great seal thereof on the thirteenth day of August in the year of Our Lord, One Thousand and Seven Hundred and Fifty-four, and of our reign the twenty-eighth.

(L. S.)

SAM HILL, Register.

STATE OF GEORGIA,

OFFICE SECRETARY OF THE STATE.

Atlanta, Ga., Dec. 1, 1875.

I hereby certify that the foregoing eleven pages contain a true and correct copy of the original commission from the records of this office.

Given under my hand and official seal.

(Signed)

N. C. BARNETT,

Secretary of State.

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THREE DOLLARS A YEAR

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